



Broadcasting Notice of Consultation CRTC 2012-457

PDF version

Ottawa, 28 August 2012

Notice of applications received

Across Canada

**Deadline for submission of interventions/comments/answers:
2 October 2012**

[\[Submit an intervention/comment/answer or view related documents\]](#)

The Commission has received the following applications:

Applicant/licensee and locality

1. **HFX Broadcasting Inc.**
Halifax, Nova Scotia
Application 2011-0122-9
2. **Rogers Broadcasting Limited**
Halifax, Nova Scotia
Application 2011-0329-1
3. **Radio Beauséjour inc.**
Shediac, New Brunswick
Application 2011-0292-0
4. **Ottawa Media Inc.**
Ottawa, Ontario
Application 2011-0125-3
5. **La Coopérative Radiophonique de Toronto inc.**
Toronto, Ontario
Application 2011-0230-1
6. **Radio MF Charlevoix inc.**
St-Hilarion, Quebec
Application 2011-0321-7
7. **Radio communautaire Tête-à-la-Baleine**
Tête-à-la-Baleine, Quebec
Application 2011-0449-7

8. **I.T. Productions Ltd.**
Vancouver British Columbia
Application 2011-0289-7

1. **HFX Broadcasting Inc.**
Halifax, Nova Scotia
Application 2011-0122-9

Application by **HFX Broadcasting Inc.** to renew the broadcasting licence for the commercial radio programming undertaking CKHZ-FM Halifax, expiring 31 March 2013.

The licensee proposes to amend its licence by deleting the condition of licence relating to its contributions to Canadian talent development set out in *Youth Contemporary FM radio station in Halifax*, Broadcasting Decision CRTC 2004-514, 26 November 2004. The applicant indicated that as of 31 August 2011, it had already contributed the required 1\$ million. The licensee would therefore only contribute to Canadian content development as set out in section 15 of the *Radio Regulations, 1986* (the Regulations).

The licensee also proposes to delete the following condition of licence:

3. The licensee shall devote a minimum of 40% of its musical selections from category 2 to Canadian selections broadcast in their entirety, between 6 a.m. and 6 p.m. in any period beginning on Monday of a week and ending on Friday of the same week.

Instead, the licensee proposes to adhere to section 2.2(9) of the Regulations.

The amendment sought would allow for more programming flexibility to address increased competition in the market.

The Commission will review the licensee's compliance with the Regulations and with its conditions of licence, as addressed in the Commission's clarification letters, which are part of the public file for this proceeding. The Commission's determination on the matter will be announced in the licensee's renewal decision. The Commission may consider the use of regulatory measures such as a short-term renewal, in accordance with *Revised approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC 2011-347, 26 May 2011.

Licensee's address:

5312 Dundas Street West
Toronto, Ontario
Fax: 416-233-8617
E-mail: carmela@evanovradio.com
Website to view application: www.evanovradio.com

2. **Rogers Broadcasting Limited**
Halifax, Nova Scotia
Application 2011-0329-1

Application by **Rogers Broadcasting Limited** to renew the broadcasting licence for the commercial radio programming undertaking CJNI-FM Halifax, expiring 31 March 2013.

The licensee proposes to modify the following condition of licence:

4. The licensee shall ensure that at least 50% of all programming broadcast during each broadcast week consists of local programming. The definition of local programming shall be as set out in *Policies for local programming on commercial radio stations and advertising on campus stations*, Public Notice CRTC 1993-38, 19 April 1993, as amended from time to time.

Specifically, the licensee is requesting to reduce the required percentage of local programming to 33% of the broadcast week, consistent with condition of licence 8 of *Conditions of licence for commercial AM and FM radio stations*, Broadcasting Regulatory Policy 2009-62, 11 February 2009.

The licensee indicated that the amendment would provide CJNI-FM with additional flexibility to pursue different programming strategies should it require adjustments to remain competitive and reach profitability over the next licence term.

The Commission will review the licensee's compliance with the *Radio Regulations, 1986* and with its conditions of licence, as addressed in the Commission's clarification letters, which are part of the public file for this proceeding. The Commission's determination on the matter will be announced in the licensee's renewal decision. The Commission may consider the use of regulatory measures such as a short-term renewal, in accordance with *Revised approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC 2011-347, 26 May 2011.

Licensee's address:

6-333 Bloor Street East
Toronto, Ontario
M4W 1G9
Fax: 416-935-8203
E-mail: susan.wheeler@rci.rogers.com
Website to view application: www.news957.com

3. **Radio Beauséjour inc.**
Shediac, New Brunswick
Application 2011-0292-0

Application by **Radio Beauséjour inc.** to renew the broadcasting licence for the community radio programming undertaking CJSE-FM Shediac and its transmitters CJSE-FM-1 Memramcook and CJSE-FM-2 Baie Ste-Anne, expiring 31 March 2013.

It appears to the Commission that the licensee may have failed to comply with section 9(2) of the *Radio Regulations, 1986* relating to the provision of annual returns for the broadcast years 2003-2004 through to 2008-2009.

The licensee proposes to delete the following condition of licence:

The licensee shall devote, during each broadcast week, a minimum of 1% of all musical selections to vocal musical selections in Aboriginal languages.

The licensee stated that these musical selections were rarely available and that it was therefore difficult to meet this requirement.

Additionally, the licence proposes to amend the following condition of licence:

The licensee shall devote, during each broadcast week, at least 4.5% of its musical selections to material from category 3 (special interest music).

so that it reads as follows:

The licensee shall devote, during each broadcast week, at least 8% of its musical selections to material from category 3 (special interest music).

Licensee's address:

96 Providence Street
P.O. Box 607
Shediac, New Brunswick
E4P 2M9
Fax: 506-532-0120
E-mail: serge@cjse.com
Website to view application: www.cjse.ca

4. **Ottawa Media Inc.**
Ottawa, Ontario
Application 2011-0125-3

Application by **Ottawa Media Inc.** to renew the broadcasting licence for the commercial radio programming undertaking CJWL-FM Ottawa, expiring 31 March 2013.

The licensee proposes to amend its licence by deleting its condition of licence relating to its contributions to Canadian talent development set out in *English language adult standards/easy listening FM radio station in Ottawa*, Broadcasting Decision CRTC 2005-254, 23 June 2005, in order to have more flexibility in the allocation of its contributions. The licensee proposed to contribute to Canadian content development as set out in section 15 of the *Radio Regulations, 1986* (the Regulations).

Additionally, the licensee requests that it be exempted from *Policy regarding the broadcast of hits by English-language FM radio stations*, Broadcasting Regulatory Policy

CRTC 2009-61, 11 February 2009, which states that English-language commercial FM radio stations in the bilingual markets of Montréal and Ottawa-Gatineau must ensure, by condition of licence, that less than 50% of all musical selections aired during each broadcast week are hits.

The Commission will review the licensee's compliance with the *Radio Regulations, 1986* and with its conditions of licence, as addressed in the Commission's clarification letters, which are part of the public file for this proceeding. The Commission's determination on the matter will be announced in the licensee's renewal decision. The Commission may consider the use of regulatory measures such as a short-term renewal, in accordance with *Revised approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC 2011-347, 26 May 2011.

Licensee's address:

5312 Dundas Street West
Toronto, Ontario
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Fax: 416-233-8617
E-mail: carmela@evanovradio.com
Website to view application: www.jewelradio.com/985/

5. **La Coopérative Radiophonique de Toronto inc.**
Toronto, Ontario
Application 2011-0230-1

Application by **La Coopérative Radiophonique de Toronto inc.** to renew the broadcasting licence for the community radio programming undertaking CHOQ-FM Toronto, expiring 31 March 2013.

The licensee proposes to delete the following condition of licence:

The licensee shall devote \$15,000 annually to Canadian talent development.

The licensee stated that CHOQ-FM was one of the only community radio stations required to make this type of financial investment. It added that maintaining this condition of licence would undermine the development efforts of the station and continue to be a financial strain on the station.

It appears to the Commission that the licensee may have failed to comply with this condition of licence for the broadcast years 2005-2006 through to 2009-2010, as well as with section 9(2) of the *Radio Regulations, 1986* relating to the provision of annual returns for the same broadcast years.

Licensee's address:

425 Adelaide Street West
Suite 302
Toronto, Ontario
M5V 3C1
Fax: 416-599-7639
E-mail: tonia.mori@choqfm.ca
Website to view application: www.choqfm.ca

6. **Radio MF Charlevoix inc.**
St-Hilarion, Quebec
Application 2011-0321-7

Application by **Radio MF Charlevoix inc.** to renew the broadcasting licence for the community radio programming undertaking CIHO-FM Saint-Hilarion and its transmitters CIHO-FM-1 La Malbaie, CIHO-FM-2 Baie-Saint-Paul, CIHO-FM-3 Petite-Rivière-Saint-François and CIHO-FM-4 Saint-Siméon, expiring 31 March 2013.

It appears to the Commission that the licensee may have failed to comply with section 9(2) of the *Radio Regulations, 1986* relating to the provision of annual returns for the 2009-2010 broadcast year.

The licensee proposes to delete the following condition of licence:

The licensee must file, every three months, a self-assessment report on the broadcast of French-language vocal music and of category 3 music in each broadcast week.

The licensee stated that during the current licence term CIHO-FM had fully complied with this condition of licence and had demonstrated its willingness and ability to meet all the requirements relating to its licence. Therefore, the licensee wishes to be relieved of this condition of licence, which was imposed in *Community radio station in Saint-Hilarion*, Broadcasting Decision CRTC 2009-533, 28 August 2009.

The Commission notes that in the above-noted decision the station was issued a short-term renewal based on its failure to comply with section 2.2(5) of the *Radio Regulations, 1986* concerning the broadcast of French-language vocal music and with its condition of licence requiring that at least 5% of all musical selections broadcast in each broadcast week be drawn from category 3 (Special Interest Music).

Licensee's address:

315 Cartier Nord Street
St-Hilarion, Quebec
G0A 3V0
Fax: 418-457-3518
E-mail: direction@cihofm.com
Website to view application: www.cihofm.com

7. **Radio communautaire Tête-à-la-Baleine**
Tête-à-la-Baleine, Quebec
Application 2011-0449-7

Application by **Radio communautaire Tête-à-la-Baleine** to renew the broadcasting licence for the community radio programming undertaking CJTB-FM Tête-à-la-Baleine, expiring 31 December 2012.

In Campus and community radio policy, Broadcasting Regulatory Policy CRTC 2010-499, 22 July 2010, the Commission announced that it will require by condition of licence that all community stations broadcast a minimum of 15% spoken word each broadcast week. For the purpose of this requirement, all spoken word must be locally produced.

The licensee is requesting an exception to the requirement that it devote at least 15% of its programming to spoken word each week. Instead, the licensee is seeking a condition of licence that would allow it to devote a minimum of 3.8% of its programming to spoken word each broadcast week. The licensee noted that the station was located in a very small market and had very limited resources available to produce the required weekly amount of spoken word programming.

Licensee's address:

152 de la Salle Street
Suite 10
P.O. Box 38
Tête-à-la-Baleine, Quebec
G0G 2W0
Fax: 418-242-2974
E-mail: cjtb@globetrotter.net
E-mail to request electronic version of application: cjtb@globetrotter.net

8. **I.T. Productions Ltd.**
Vancouver, British Columbia
Application 2011-0289-7

Application by **I.T. Productions Ltd.** to renew the broadcasting licence for the commercial radio programming undertaking CJRJ Vancouver, expiring 31 March 2013.

The licensee proposes to amend its licence by deleting its condition of licence relating to its contributions to Canadian talent development set out in *Ethnic AM radio station in Vancouver*, Broadcasting Decision 2005-338. The licensee cited financial reasons in support of its application. The licensee proposes to contribute to Canadian content development as set out in section 15 of the *Radio Regulations, 1986* (the Regulations).

The Commission will review the licensee's compliance with the Regulations and with its conditions of licence, as addressed in the Commission's clarification letters, which are

part of the public file for this proceeding. The Commission's determination on the matter will be announced in the licensee's renewal decision. The Commission may consider the use of regulatory measures such as a short-term renewal, in accordance with *Revised approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC 2011-347, 26 May 2011.

Licensee's address:

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Burnaby, British Columbia
V5B 3A6
Fax: 604-299-3088
E-mail: shushma@rj1200.com

Procedure

Deadline for interventions or answers

2 October 2012

The new *Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure*, SOR/2010-277 (the Rules of Procedure), set out, among other things, the rules for content, format, filing and service of interventions, the procedure for filing confidential information and requesting its disclosure, and the conduct of public hearings. Accordingly, the procedure set out below must be read in conjunction with the Rules of Procedure and its accompanying documents, which can be found on the Commission's website under "CRTC Rules of Practice and Procedure."

This notice may announce applications that would normally be subject to the written process described in Part 1 of the Rules of Procedure, but that were filed before 1 April 2011. An explanation in this regard is set out in *Implementation of new Rules of Practice and Procedure*, Broadcasting and Telecom Regulatory Policy CRTC 2010-958, 23 December 2010.

An intervention or answer from a respondent must be received by the Commission and by the applicant on or before the above-mentioned date. An answer from a respondent must also be served on any other respondent.

In accordance with the Rules of Procedure, a document must be filed with, not merely sent to, the Commission by 5 p.m. Vancouver time (8 p.m. Ottawa time) on the date it is due. The Commission takes no responsibility for postal delays and will not notify a party whose submission is received after the deadline date. Late submissions will not be considered by the Commission and will not be made part of the public file.

Interventions and answers from respondents will be considered by the Commission and will form part of the public record of the proceeding without further notification to parties, provided the procedures set out in the Rules of Procedure and this notice have

been followed. Parties will be contacted only if their submissions raise procedural questions.

Submissions must be filed by sending them to the Secretary General of the Commission by **only one** of the following means:

by using the
[\[Intervention/comment/answer form\]](#)

or

by mail to
CRTC, Ottawa, Ontario K1A 0N2

or

by fax at
819-994-0218

A true copy of each intervention or answer from a respondent must be sent to the applicant and, in the case of a respondent to an application, to any other respondent.

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

Parties must ensure that, before initiating service through electronic mode, they will be able to satisfy the Commission, upon request, that service was completed. The sender must keep proof of the sending and the receipt of the document for 180 days after the day on which it is filed.

Submissions longer than five pages should include a summary.

Each paragraph of the submission should be numbered. 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 altered during electronic transmission.

Interventions and answers 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

All information that parties provide as part of this public process, except information designated confidential, 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.

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.

The Commission encourages parties and interested persons to monitor the record of the proceeding, available on the Commission's website, for additional information that they may find useful when preparing their submissions.

Examination of documents

An electronic version of the applications is available on the Commission's website by selecting the application number within this notice. It is also available from the applicants/licensees, either on their websites or upon request by contacting the applicants/licensees at their email addresses, provided above.

A list of all interventions and answers will also be available on the Commission's website. The list is accessible by selecting "View all proceedings open for comment" from the "Public Proceedings" section of the Commission's website and by clicking on the "Interventions/Answers" link associated with this notice.

Documents are also available during normal office hours 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

Les Terrasses de la Chaudière
Central Building
1 Promenade du Portage, Room 206
Gatineau, Quebec

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Fax: 819-994-0218

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Fax: 902-426-2721

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Fax: 204-983-6317

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Secretary General