



## Broadcasting Notice of Consultation CRTC 2014-621

PDF version

Ottawa, 1 December 2014

### Notice of hearing

**19 February 2015**  
**Gatineau, Quebec**

**Deadline for submission of interventions/comments/answers: 19 January 2015**

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

The Commission will hold a hearing on **19 February 2015 at 11 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:

#### **Applicant/Licensee and locality**

1. **Ethnic Channels Group Limited**  
Across Canada  
Application 2014-0591-0
2. **Kate Vitenberg, on behalf of a corporation to be incorporated**  
Saint John, Fredericton, Moncton and their surrounding areas,  
New Brunswick; Halifax, Cape Breton/Sydney and their surrounding areas,  
Nova Scotia and St. John's and its surrounding areas, Newfoundland and  
Labrador  
Application 2014-1024-0
3. **Caper Radio Incorporated**  
Sydney, Nova Scotia  
Application 2014-0845-1
4. **Kate Vitenberg, on behalf of a corporation to be incorporated**  
Montréal, Québec, Gatineau, Sherbrooke, Trois-Rivières and their  
surrounding areas, Quebec  
Application 2014-1022-4
5. **Kate Vitenberg, on behalf of a corporation to be incorporated**  
Greater Toronto, London, Hamilton, Ottawa, Windsor, Kitchener and their  
surrounding areas, Ontario  
Application 2014-1016-7

6. **Shaw Cablesystems (VCI) Limited**  
Edmonton, Alberta; Winnipeg, Manitoba and across Canada  
Application 2014-0922-7
7. **Kate Vitenberg, on behalf of a corporation to be incorporated**  
Calgary, Edmonton, Lethbridge, Fort McMurray, Red Deer, Medicine Hat, Airdrie, Leduc, Spruce Grove and their surrounding areas, Alberta; Saskatoon, Regina, Moose Jaw, Prince Albert, North Battleford, Yorkton, Swift Current and their surrounding areas, Saskatchewan and Winnipeg, Portage La Prairie and their surrounding areas, Manitoba  
Application 2014-1020-9
8. **Kate Vitenberg, on behalf of a corporation to be incorporated**  
Vancouver, Victoria, Nanaimo, Kelowna, Abbotsford, Chilliwack, Prince George, Kamloops and their surrounding areas, British Columbia  
Application 2014-1023-2

**1. Ethnic Channels Group Limited**  
Across Canada  
Application 2014-0591-0

Application by **Ethnic Channels Group Limited** for a broadcasting licence to operate a national English-language specialty Category B service to be known as beIN SPORTS CANADA.

The applicant states that the programming would be devoted to international amateur and professional sports, primarily through live coverage, documentaries, instructional programs and information programming.

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

The applicant also proposes the following conditions of licence:

- No more than 10% of all programming broadcast during the broadcast week shall be drawn from category 7.
- No more than 10% of all programming broadcast during the broadcast year shall be devoted to live coverage from North American professional sports leagues.

*Applicant's address:*

907 Alness Street  
Toronto, Ontario  
M3J 2J1

Fax: 416-736-7677

Email: [slavalevin@ethnicchannels.com](mailto:slavalevin@ethnicchannels.com)

Email to request electronic version of application: [slavalevin@ethnicchannels.com](mailto:slavalevin@ethnicchannels.com)

**2. Kate Vitenberg, on behalf of a corporation to be incorporated**

Saint John, Fredericton, Moncton and their surrounding areas, New Brunswick;  
Halifax, Cape Breton/Sydney and their surrounding areas, Nova Scotia and  
St. John's and its surrounding areas, Newfoundland and Labrador  
Application 2014-1024-0

Application by **Kate Vitenberg, on behalf of a corporation to be incorporated**, for a regional broadcasting licence to operate terrestrial broadcasting distribution undertakings to serve the above-noted locations.

The applicant requests the following condition of licence:

The licensee is authorized to distribute, at its option, and as part of the basic service, WBZ-TV (CBS), WHDH-TV (NBC), WCVB-TV (ABC), WFXT-TV (FOX) and WGBH-TV (PBS) Boston, Massachusetts, or alternatively for each signal, the signal of a different affiliate of the same network located in the same time zone as that of the licensed area and included in the *List of non-Canadian services authorized for distribution*, as amended from time to time.

*Applicant's address:*

1987-1 Greystone Walk Drive

Scarborough, Ontario

M1K 5J3

Fax: 647-560-1039

Email: [katevitenberg@gmail.com](mailto:katevitenberg@gmail.com)

Email to request electronic version of application: [katevitenberg@gmail.com](mailto:katevitenberg@gmail.com)

**3. Caper Radio Incorporated**

Sydney, Nova Scotia

Application 2014-0845-1

Application by **Caper Radio Incorporated** for a broadcasting licence to operate an English-language developmental campus FM radio station in Sydney.

The proposed station would operate at 107.3 MHz (channel 297LP) with an effective radiated power of 5 watts (non-directional antenna with an effective height of antenna above average terrain of 39 metres).

The applicant proposes to broadcast 60 hours of local programming featuring local and independent music, current affairs and sports.

The Commission may withdraw this application from the public 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:*

1250 Grand Lake Road  
 Sydney, Nova Scotia  
 B1P 6L2

Email: [manager@caperradio.ca](mailto:manager@caperradio.ca)

Website to view application: [www.caperradio.ca](http://www.caperradio.ca)

Email to request electronic version of application: [manager@caperradio.ca](mailto:manager@caperradio.ca)

**4. Kate Vitenberg, on behalf of a corporation to be incorporated**

Montréal, Québec, Gatineau, Sherbrooke, Trois-Rivières and their surrounding areas, Quebec

Application 2014-1022-4

Application by **Kate Vitenberg, on behalf of a corporation to be incorporated**, for a regional broadcasting licence to operate terrestrial broadcasting distribution undertakings to serve the above-noted locations.

For Montréal, Québec, Sherbrooke, Trois-Rivières and their surrounding areas, the applicant requests the following condition of licence:

The licensee is authorized to distribute, at its option, and as part of the basic service, WCAX-TV (CBS) Burlington, Vermont; WPTZ-TV (NBC) Plattsburgh, New York; WVNY-TV (ABC) and WFFF-TV (FOX) Burlington, Vermont; and WETK-TV (PBS) Colchester, Vermont, or alternatively for each signal, the signal of a different affiliate of the same network located in the same time zone as that of the licensed area and included in the *List of non-Canadian services authorized for distribution*, as amended from time to time.

For Gatineau and its surrounding areas, the applicant requested the following condition of licence:

The licensee is authorized to distribute, at its option, as part of the basic service, WIVB-TV (CBS), WGRZ-TV (NBC), WKBW-TV (ABC), WUTV-TV (FOX) and WNED-TV (PBS) Buffalo, New York, or alternatively for each signal, the signal of a different affiliate of the same network located in the same time zone as that of the licensed area and included in the *List of non-Canadian programming services authorized for distribution*, as amended from time to time.

*Applicant's address:*

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 Scarborough, Ontario  
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Email: [katevitenberg@gmail.com](mailto:katevitenberg@gmail.com)

Email to request electronic version of application: [katevitenberg@gmail.com](mailto:katevitenberg@gmail.com)

**5. Kate Vitenberg, on behalf of a corporation to be incorporated**

Greater Toronto, London, Hamilton, Ottawa, Windsor, Kitchener and their surrounding areas, Ontario

Application 2014-1016-7

Application by **Kate Vitenberg, on behalf of a corporation to be incorporated**, for a regional broadcasting licence to operate terrestrial broadcasting distribution undertakings to serve the above-noted locations.

For Greater Toronto, Hamilton, Kitchener, Ottawa and their surrounding areas, the applicant requests the following conditions of licence:

- The licensee is authorized to distribute, at its option, and as part of the basic service, WIVB-TV(CBS), WGRZ-TV (NBC), WKBW-TV (ABC), WUTV-TV (FOX) and WNED-TV (PBS) Buffalo, New York, or alternatively for each signal, the signal of a different affiliate of the same network located in the same time zone as that of the licensed area and included in the *List of non-Canadian services authorized for distribution*, as amended from time to time.
- The licensee is authorized to distribute, at its option, on a discretionary basis, WNLO-TV and WNYO-TV Buffalo, New York.

For Greater London, Windsor and their surrounding areas, the applicant requests the following conditions of licence:

- The licensee is authorized to distribute, at its option, as part of the basic service, WWJ-TV(CBS), WDIV-TV (NBC), WXYZ-TV (ABC), WJBK-TV (FOX) and WTVS-TV (PBS) Detroit, Michigan, or alternatively for each signal, the signal of a different affiliate of the same network located in the same time zone as that of the licensed area and included in the *List of non-Canadian programming services authorized for distribution*, as amended from time to time.
- The licensee is authorized to distribute, at its option, on a discretionary basis, WKBD-TV and WMYD-TV Detroit, Michigan.

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M1K 5J3

Fax: 647-560-1039

Email: [katevitenberg@gmail.com](mailto:katevitenberg@gmail.com)

Email to request electronic version of application: [katevitenberg@gmail.com](mailto:katevitenberg@gmail.com)

**6. Shaw Cablesystems (VCI) Limited**

Edmonton, Alberta; Winnipeg, Manitoba and across Canada  
Application 2014-0922-7

Application by **Shaw Cablesystems (VCI) Limited**, to acquire, as part of an intra-corporate reorganization, the assets of the terrestrial broadcasting distribution undertakings serving Edmonton, Alberta and Winnipeg, Manitoba, as well as of the national video-on-demand programming undertaking from Shaw Communications Inc.

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.

The applicant is a wholly owned subsidiary of Shaw Communications Inc., which in turn is controlled by Mr. JR Shaw pursuant to the terms of a voting trust agreement.

Following completion of the transaction, the applicant will become the licensee of the terrestrial broadcasting distribution undertakings serving Edmonton, Alberta and Winnipeg, Manitoba, and of the national video-on-demand programming undertaking.

The above transaction will not affect the effective control of the undertakings, which will continue to be exercised by Mr. JR Shaw.

*Applicant's address:*

900-630-3<sup>rd</sup> SW

Calgary, Alberta

T2P 4L4

Fax: 613-688-6799

Email: [michael.ferras@sjrb.ca](mailto:michael.ferras@sjrb.ca)

Email to request electronic version of application: [michael.ferras@sjrb.ca](mailto:michael.ferras@sjrb.ca)

**7. Kate Vitenberg, on behalf of a corporation to be incorporated**

Calgary, Edmonton, Lethbridge, Fort McMurray, Red Deer, Medicine Hat, Airdrie, Leduc, Spruce Grove and their surrounding areas, Alberta; Saskatoon, Regina, Moose Jaw, Prince Albert, North Battleford, Yorkton, Swift Current and their surrounding areas, Saskatchewan and Winnipeg, Portage La Prairie and their surrounding areas, Manitoba

Application 2014-1020-9

Application by **Kate Vitenberg, on behalf of a corporation to be incorporated**, for a regional broadcasting licence to operate terrestrial broadcasting distribution undertakings to serve the above-noted locations.

With the exception of Winnipeg and its surrounding areas, the applicant requests the following conditions of licence:

- The licensee is authorized to distribute, at its option, and as part of the basic service, KOMO-TV (ABC), KING-TV (NBC), KIRO-TV (CBS), KCPQ-TV (FOX) and KCTS-TV (PBS) Seattle, Washington, or alternatively for each signal, the signal of a different affiliate of the same network located in the same time zone as that of the licensed area and included in the *List of non-Canadian services authorized for distribution*, as amended from time to time.
- The licensee is authorized to distribute, at its option, on a discretionary basis, KSTW-TV Seattle and KVOS-TV Bellingham, Washington.

For Winnipeg and its surrounding areas, the applicant requests the following conditions of licence:

- The licensee is authorized to distribute, at its option, as part of the basic service, WCCO-TV (CBS) and KARE-TV (NBC) Minneapolis, Minnesota; WDAZ-TV (ABC) Grand Forks, North Dakota; KMSP-TV (FOX) Minneapolis, Minnesota and KFME-TV (PBS) Fargo, North Dakota, or alternatively for each signal, the signal of a different affiliate of the same network located in the same time zone as that of the licensed area and included in the *List of non-Canadian programming services authorized for distribution*, as amended from time to time.
- The licensee is authorized to distribute, at its option, on a discretionary basis, KVOS-TV Bellingham, Washington.

*Applicant's address:*

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Scarborough, Ontario  
M1K 5J3

Fax: 647-560-1039

Email: [katevitenberg@gmail.com](mailto:katevitenberg@gmail.com)

Email to request electronic version of application: [katevitenberg@gmail.com](mailto:katevitenberg@gmail.com)

**8. Kate Vitenberg, on behalf of a corporation to be incorporated**

Vancouver, Victoria, Nanaimo, Kelowna, Abbotsford, Chilliwack, Prince George, Kamloops and their surrounding areas, British Columbia  
Application 2014-1023-2

Application by **Kate Vitenberg, on behalf of a corporation to be incorporated**, for a regional broadcasting licence to operate terrestrial broadcasting distribution undertakings to serve the above-noted locations.

The applicant requests the following conditions of licence:

- The licensee is authorized to distribute, at its option, and as part of the basic service, KOMO-TV (ABC), KING-TV (NBC), KIRO-TV (CBS), KCPQ-TV (FOX) and KCTS-TV (PBS) Seattle, Washington, or alternatively for each signal,

the signal of a different affiliate of the same network located in the same time zone as that of the licensed area and included in the *List of non-Canadian services authorized for distribution*, as amended from time to time.

- The licensee is authorized to distribute, at its option, on a discretionary basis, KVOS-TV, Bellingham, Washington.

*Applicant's address:*

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## **Procedure**

### **Deadline for interventions, comments or answers**

**19 January 2015**

The *Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure* (the Rules of Procedure) apply to the present proceeding. The Rules of Procedure set out, among other things, the rules for content, format, filing and service of interventions, replies, answers of respondents and requests for information; 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 "Statutes and Regulations." *Guidelines on the CRTC Rules of Practice and Procedure*, Broadcasting and Telecom Information Bulletin CRTC 2010-959, 23 December 2010, provides information to help interested persons and parties understand the Rules of Procedure so that they can more effectively participate in Commission proceedings.

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

Interventions and answers must 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.

Parties are permitted to coordinate, organize, and file, in a single submission, interventions by other interested persons who share their position. Information on how to file this type of submission, known as a joint supporting intervention, as well as a template for the covering letter to be filed by the parties, can be found in *Changes to certain practices for filing interventions – Expansion of filing practices to include the*

*filing of joint supporting comments for broadcasting policy proceedings*, Broadcasting Information Bulletin CRTC 2010-28-1, 10 December 2010.

The Commission encourages interested persons and parties 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.

Submissions longer than five pages should include a summary. Each paragraph of all submissions should be numbered, and the line **\*\*\*End of document\*\*\*** should follow the last paragraph. This will help the Commission verify that the document has not been damaged during electronic transmission.

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

**by completing 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.

Parties who send documents electronically must ensure that they will be able to prove, upon Commission request, that service/filing of a particular document was completed. Accordingly, parties must keep proof of the sending and receipt of each document for 180 days after the date on which the document is filed. The Commission advises parties who file and serve documents by electronic means to exercise caution when using email for the service of documents, as it may be difficult to establish that service has occurred.

In accordance with the Rules of Procedure, a document must be received by the Commission and all relevant parties by 5 p.m. Vancouver time (8 p.m. Ottawa time) on the date it is due. Parties are responsible for ensuring the timely delivery of their submissions and will not be notified if their submissions are received after the deadline. Late submissions, including those due to postal delays, will not be considered by the Commission and will not be made part of the public record.

The Commission will not formally acknowledge submissions. It will, however, fully consider all submissions, which will form part of the public record of the proceeding, provided that the procedure for filing set out above has been followed.

In the event that an application to be considered during the non-appearing phase of the hearing is brought to the oral phase of the hearing, and if parties wish to appear, they must provide reasons why their written interventions or answers are not sufficient and why an appearance is necessary. Parties requiring communication support must state their request on the first page of their intervention. Only those parties whose requests to appear have been granted will be contacted by the Commission and invited to appear at the public hearing.

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**

All information that parties provide as part of this public process, except information designated confidential, whether sent by postal mail, facsimile, email 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, email addresses, postal/street addresses, telephone and facsimile numbers, etc.

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.

### **Availability of documents**

Electronic versions of the applications are available on the Commission's website at [www.crtc.gc.ca](http://www.crtc.gc.ca) by selecting the application number within this notice. They are also available from the applicants, either on their websites or upon request by contacting the applicants at their email addresses, provided above.

Electronic versions of the interventions and answers, as well as of other documents referred to in this notice, are available on the Commission's website at [www.crtc.gc.ca](http://www.crtc.gc.ca) by visiting the "Participate" section, selecting "Submit Ideas and Comments," and then

selecting “our open processes.” Documents can then be accessed by clicking on the links in the “Subject” and “Related Documents” columns associated with this particular notice.

Documents are also available from Commission offices, upon request, during normal business hours.

### **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  
J8X 4B1  
Tel.: 819-997-2429  
Fax: 819-994-0218

### **Regional offices**

#### **Nova Scotia**

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

#### **Quebec**

505 de Maisonneuve Boulevard West  
Suite 205  
Montréal, Quebec  
H3A 3C2  
Tel.: 514-283-6607

#### **Ontario**

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

**Manitoba**

360 Main Street  
Suite 970  
Winnipeg, Manitoba  
R3C 3Z3  
Tel.: 204-983-6306  
Fax: 204-983-6317

**Saskatchewan**

403 – 1975 Scarth Street  
Regina, Saskatchewan  
S4P 2H1  
Tel.: 306-780-3422  
Fax: 306-780-3319

**Alberta**

200 – 4<sup>th</sup> Avenue South-East  
Suite 574  
Calgary, Alberta  
T2G 4X3  
Tel.: 403-292-6660  
Fax: 403-292-6686

**British Columbia**

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Suite 290  
Vancouver, British Columbia  
V6B 1C1  
Tel.: 604-666-2111  
Fax: 604-666-8322

Secretary General