



# Broadcasting Notice of Consultation CRTC 2019-303

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Ottawa, 28 August 2019

*Public record: 1011-NOC2019-0303*

## Notice of hearing

**5 November 2019**  
**Gatineau, Quebec**

**Deadline for submission of interventions/comments/answers: 27 September 2019**

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

The Commission will hold a hearing beginning on **5 November 2019 at 9 a.m. at the Conference Centre, Phase IV, 140 Promenade du Portage, Gatineau, Quebec.**

[Attend the hearing or listen to it online](#)

The Commission will consider the following applications:

### Applicant/Licensee and locality

1. **Allarco Entertainment Limited Partnership**  
Across Canada  
Application 2017-0743-1
2. **CFPV-FM Radio Ltd.**  
Pemberton, British Columbia  
Application 2018-0694-4
3. **CKPM-FM Radio Ltd.**  
Port Moody, British Columbia  
Application 2018-0695-2
4. **CIMM-FM Radio Ltd.**  
Ucluelet, British Columbia  
Application 2018-0692-8
5. **CHMZ-FM Radio Ltd.**  
Tofino, British Columbia  
Application 2018-0693-6

6. **CHMZ-FM Radio Ltd. and CIMM-FM Radio Ltd.**  
Tofino and Ucluelet, British Columbia  
Applications 2019-0179-4 and 2019-0181-9
7. **Stingray Group Inc.**  
Across Canada  
Application 2019-0185-1
8. **Canadian Broadcasting Corporation**  
Chisasibi, Wemindji, Waskaganish, Waswanipi, Mistissini and Québec, Quebec  
Applications 2019-0395-6 and 2019-0375-8
9. **Canadian Broadcasting Corporation**  
Chisasibi, Kuujuaq, Kuujuarapik, Wemindji, Waskaganish, Waswanipi,  
Mistissini and Montréal, Quebec  
Applications 2019-0384-9, 2019-0392-2, 2019-0386-5, 2019-0382-3,  
2019-0380-8, 2019-0378-2, 2019-0374-0 and 2019-0376-6
10. **Canadian Broadcasting Corporation**  
Kuujuaq, Kuujuarapik, Inukjuaq, Salluit and Puvirnituk, Quebec; and Iqaluit,  
Nunavut  
Applications 2019-0396-4 and 2019-0390-7

#### **Preamble for item 1**

The Commission received an application by Allarco Entertainment Limited Partnership to renew the broadcasting licence for the English-language pay Category A service Super Channel, to be renewed as a discretionary service.

This application was originally published under Part 1 of the *CRTC Rules of Practice and Procedure*, as well as part of the hearing held on 11 July 2019 (*Notice of Hearing*, Broadcasting Notice of Consultation CRTC 2019-127, 3 May 2019), after which the Commission received interventions that raised issues regarding instances of apparent non-compliance. In light of these instances of apparent non-compliance and their nature, in addition to the instances of non-compliance noted during the last licence renewal, the Commission intends to consider the renewal of the broadcasting licence for Super Channel as part of the present proceeding and calls the licensee to appear at the public hearing to address these issues.

#### **Preamble for items 2 to 6**

The Commission received applications to renew the broadcasting licences for the following radio stations expiring 31 March 2020:<sup>1</sup> CFPV-FM Pemberton, CKPM-FM Port Moody, CHMZ-FM Tofino and CIMM-FM Ucluelet (items 2 to 5). The

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<sup>1</sup> The licences for the stations were administratively renewed from 1 September 2019 to 31 March 2020 in *Various commercial radio programming undertakings – Administrative renewals*, Broadcasting Decision CRTC 2019-256, 16 July 2019.

Commission also received applications for authority to change the ownership and effective control of CHMZ-FM and CIMM-FM (item 6).

The licensees proposed to continue the operation of their stations under the same terms and conditions as those in effect under the current licences, including the conditions set out in *Conditions of licence for commercial AM and FM radio stations*, Broadcasting Regulatory Policy CRTC 2009-62, 11 February 2009.

The four stations in question were found in non-compliance with regulatory requirements in the past several licence terms. The licences for these stations were therefore renewed for short-term periods to allow for an earlier review of the licensees' compliance with regulatory requirements. In addition, for CHMZ-FM Tofino, CFPV-FM Pemberton and CIMM-FM Ucluelet, the Commission imposed a requirement on the licensees to broadcast an announcement on the air mentioning their non-compliance. For CKPM-FM Port Moody, the Commission imposed a condition of licence requiring the licensee to contribute an additional amount to Canadian content development (CCD).

The Commission notes the serious and, in some cases, repeated nature of the licensees' instances of apparent non-compliance in the current licence term. They were notified of their respective instances of apparent non-compliance and of their potential impact on their next licence term. All of the licensees were given the opportunity to respond to the Commission. This correspondence is available on the public file of each of the renewal applications set out in the present notice of consultation.

The Commission intends to consider the renewal of the broadcasting licences for these stations in accordance with the approach set out in *Update on the Commission's approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC 2014-608, 21 November 2014 (Broadcasting Information Bulletin 2014-608). Subject to the requirements of the *Broadcasting Act*, the Commission will consider the use of the following measures set out at paragraph 7 of that information bulletin, given the facts of each application:

- granting a short-term licence renewal;
- imposing conditions of licence;
- requiring additional CCD contributions that are over and above those required by the *Radio Regulations, 1986* or by existing conditions of licence;
- removing the ability to make CCD contributions to discretionary initiatives such as talent contests;
- requiring licensees to broadcast an announcement regarding their non-compliance, as set out in the appendix to Broadcasting Information Bulletin 2014-608;
- imposing mandatory orders;

- not renewing the licence; and
- suspending the licence.

Specifically, as set out in Broadcasting Information Bulletin 2014-608, each instance of non-compliance will be evaluated in its context and in light of factors such as the quantity, recurrence and seriousness of the non-compliance. The Commission will also consider the circumstances, the arguments provided by the licensees and the actions taken to rectify the situation to continue operating their undertakings in compliance with their respective regulatory requirements.

These applications were first scheduled to be considered at the 5 September 2019 hearing (*Notice of hearing*, Broadcasting Notice of Consultation CRTC 2019-225, 27 June 2019). After the publication of that notice, the Commission received interventions in opposition (one of which requested to appear at a hearing), and the Commission was informed by the licensee that CKPM-FM Port Moody is currently off the air.

In light of all of the instances of apparent non-compliance and their nature, the instances of non-compliance noted during the last licence renewals and the new information on the public record, the Commission calls the licensees of items 2 to 6 to appear at the public hearing to address these issues.

### **Preamble for items 7 to 10**

The Commission intends to consider, subject to interventions, items 7 to 10 during the non-appearing phase of the hearing.

#### **1. Allarco Entertainment Limited Partnership**

Across Canada  
Application 2017-0743-1

Application by **Allarco Entertainment Limited Partnership** (Allarco) to renew the broadcasting licence for the English-language pay Category A service Super Channel, which would be renewed as a discretionary service.

This application was originally received on 21 August 2017 and was published for comment under Part 1 of the *CRTC Rules of Practice and Procedure* (the Rules) on 16 February 2018. Following this intervention period, the Commission sent multiple requests for information to the licensee. The application was re-published for comment under Part 1 of the Rules on 13 March 2019.<sup>2</sup> In both of these comment periods, the Commission received interventions that raised issues regarding instances of apparent non-compliance. The application was published for comment a third time to be considered at a hearing held on 11 July 2019 (*Notice of Hearing*, Broadcasting Notice of Consultation CRTC 2019-127, 3 May 2019). However, the Commission withdrew the application from that hearing to consider it as part of a future hearing.

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<sup>2</sup> Super Channel's licence was administratively renewed from 1 September 2019 to 31 December 2019 in *Super Channel – Administrative renewal*, Broadcasting Decision CRTC 2019-134, 8 May 2019.

The Commission will consider the interventions and the replies already filed on the public record in those above-mentioned proceedings as well as any interventions and replies received in the context of this proceeding to form part of the record.

## **Background**

In *Applications for new pay television services*, Broadcasting Decision CRTC 2006-193, 18 May 2006 (Broadcasting Decision 2006-193), Super Channel was licensed as a Category A pay service as a result of a competitive process. In addition to its Canadian programming expenditures, the licensee committed to devote \$1 million per year to regional outreach programs and \$2 million per year to script and concept development. The Commission imposed these commitments as conditions of licence.

As part of the service's last licence renewal in *Various independent pay and specialty Category A services – Licence renewals*, Broadcasting Decision CRTC 2013-468, 30 August 2013 (Broadcasting Decision 2013-468), the Commission determined that Super Channel was in non-compliance with both of these conditions of licence. The Commission considered this non-compliance to be significant and severe in nature, especially since it had based its decision in the 2006 competitive proceeding in part on these commitments. The Commission approved Allarco's request to reduce its requirements but considered that the licensee should be required to pay a portion of the shortfall. Accordingly, the Commission required the licensee, by condition of licence, to devote every year, over a period of four years, a total of \$1 million to script and concept development and \$500,000 for regional outreach programs, for a total of \$6 million as payment for the shortfall.

Additionally, the Commission required that Super Channel annually devote \$500,000 to regional outreach programs and \$500,000 to script and concept development.

## **Current instances of apparent non-compliance**

Commission records indicate that the licensee is currently in apparent non-compliance with the following conditions of licence set out in Appendix 1 to Broadcasting Decision 2013-468:

- condition 3, relating to the distribution of Canadian programs;
- condition 5, relating to the eligibility and late payment of certain Canadian programming expenditures;
- condition 6, relating to the eligibility of certain expenditures devoted to regional outreach programs;
- condition 7, relating to the eligibility and late payment of certain expenditures devoted to script and concept development; and
- condition 8, relating to the eligibility and late payment of certain expenditures devoted to regional outreach programs and script and concept development.

The Commission is particularly concerned about the manner in which the licensee interprets its regulatory obligations set out in Super Channel's conditions of licence, as well as in the Commission's policies and regulations to which the licensee is subject.

The Commission intends to consider the renewal of the broadcasting licence for Super Channel as part of the present proceeding and calls the licensee to appear at the public hearing to address these issues. Given the nature of the instances of apparent non-compliance and the fact that the licensee has previously been found in severe non-compliance in Broadcasting Decision 2013-468, the Commission will consider the appropriate measures to address any instances of non-compliance, which may include one or more of the following:

- imposing new conditions of licence;
- granting a short-term renewal;
- imposing a mandatory order under section 12 of the *Broadcasting Act* (the Act) requiring the licensee to comply with the *Discretionary Services Regulations* and its conditions of licence;
- not renewing the licence; and
- suspending or revoking the licence pursuant to sections 9 and 24 of the Act.

Each instance of non-compliance will be evaluated in its context and in light of factors such as the quantity, recurrence and seriousness of the non-compliance. The Commission will also consider the circumstances, the arguments provided by the licensee and the actions taken to rectify the situation to continue operating its undertaking in compliance with regulatory requirements.

Additional information may be added to the public record for the service as it becomes available. The Commission encourages interested persons to monitor the public record and the Commission's website for additional information that they may find useful when preparing their comments.

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## 2. CFPV-FM Radio Ltd.

Pemberton, British Columbia  
Application 2018-0694-4

Application by **CFPV-FM Radio Ltd.** to renew the broadcasting licence for the English-language commercial radio station CFPV-FM Pemberton, expiring 31 March 2020.<sup>3</sup>

According to Commission records, the licensee is in apparent non-compliance with the following sections of the *Radio Regulations, 1986* (the Regulations) and its conditions of licence set out below:

- sections 8(1), 8(2) and 9(3)(a) of the Regulations, relating to the submission of a complete and accurate program log and an accurate self-assessment report;
- condition of licence 2 set out in *CFPV-FM Pemberton – Licence renewal*, Broadcasting Decision CRTC 2017-354, 5 October 2017 (Broadcasting Decision 2017-354), requiring the licensee to expend \$1,500 on Canadian content development (CCD) in each of the 2017-2018 and 2018-2019 broadcast years; and
- condition of licence 3 set out in Broadcasting Decision 2017-354, relating to the requirement to broadcast on-air announcements regarding its non-compliance.

In addition to the instances of apparent non-compliance set out above, the Commission has concerns with regards to the local programming offered by the station.

In Broadcasting Decision 2017-354, the Commission granted the station a short-term renewal and required that it make announcements on the air regarding its non-compliance due to instances of non-compliance regarding sections 2.2(8), 2.2(9), 9(2) and 9(3)(b) of the Regulations, which relate to the broadcast of Canadian musical selections, the filing of annual returns, the submission of a complete and accurate music list, as well as condition of licence 2 set out in *CFPV-FM Pemberton – Licence renewal*, Broadcasting Decision CRTC 2013-700, 16 December 2013 (Broadcasting Decision 2013-700), relating to the requirement that the licensee expend the Canadian talent development (CTD) shortfall totaling \$9,183 to fulfill its CTD commitments set out in *English-language FM radio station in Pemberton*, Broadcasting Decision CRTC 2006-643, 27 November 2006.

Should the Commission determine that the licensee is in non-compliance in the current licence term, it would be the third consecutive licence term in which CFPV-FM has been found in non-compliance with regulatory requirements.

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<sup>3</sup> The licence for the station was administratively renewed from 1 September 2019 to 31 March 2020 in *Various commercial radio programming undertakings – Administrative renewals*, Broadcasting Decision CRTC 2019-256, 16 July 2019.

Given the current instances of apparent non-compliance, in addition to the other instances of non-compliance noted by the Commission in Broadcasting Decisions 2017-354 and 2013-700, the Commission has concerns regarding the licensee's ability and commitment to operate the station in a compliant manner. The licensee will need to demonstrate why the licence should be renewed, or why the Commission should not revoke the licence.

This application was first scheduled to be considered at the 5 September 2019 hearing (*Notice of hearing*, Broadcasting Notice of Consultation CRTC 2019-225, 27 June 2019), but will now be considered at the present hearing as an appearing item. The Commission will consider the interventions already accepted and filed on the public record for the 5 September 2019 public hearing, as well as other interventions and replies received in the context of this hearing.

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### **3. CKPM-FM Radio Ltd.**

Port Moody, British Columbia  
Application 2018-0695-2

Application by **CKPM-FM Radio Ltd.** to renew the broadcasting licence for the English-language commercial radio station CKPM-FM Port Moody, expiring 31 March 2020.<sup>4</sup>

In a letter dated 5 July 2019, the licensee informed the Commission that the station was taken off the air on 27 June 2019 and that it will remain off the air until such time as an approved alternate broadcast site can be established.

According to Commission records, the licensee is in apparent non-compliance with the following sections of the *Radio Regulations, 1986* (the Regulations) and its conditions of licence set out below:

- section 2.2(9) of the Regulations relating to the broadcast of content category 2 (Popular Music) Canadian musical selections;
- sections 8(1), 8(2), 9(3)(a), 9(3)(b) and 9(4) of the Regulations, relating to the filing of a complete and accurate program log and music list, an accurate self-assessment report and the requirement to respond to Commission requests;

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<sup>4</sup> The licence for the station was administratively renewed from 1 September 2019 to 31 March 2020 in *Various commercial radio programming undertakings – Administrative renewals*, Broadcasting Decision CRTC 2019-256, 16 July 2019.



- section 11(5)(a)(i) of the Regulations, which requires a licensee to notify the Commission, within 30 days thereafter, of the occurrence of any act, agreement or transaction that, directly or indirectly, resulted in a person alone who controls less than 20 per cent of the voting interests of the licensee, having control of 20 per cent or more but less than 30 per cent of those interests;
- section 11(6) of the Regulations, which requires the notification in section 11(5)(a)(i) to set out the following information:
  - a) the name of the person or the names of the person and the associate;
  - b) the percentage of the voting interests controlled by the person or by the person and the associate; and
  - c) a copy or a complete description of the act, agreement or transaction.
- condition of licence 2 set out in *CKPM-FM Port Moody – Licence renewal*, Broadcasting Decision CRTC 2015-372, 13 August 2015 (Broadcasting Decision 2015-372), relating to the requirement to make Canadian content development (CCD) contributions;
- condition of licence 3 set out in Broadcasting Decision 2015-372, relating to the requirement to devote an additional CCD contribution of \$600; and
- condition of licence 5 set out in Broadcasting Decision 2015-372, relating to the requirement to devote, each broadcast week, at least 25% of its musical selections to selections from content subcategories 33 (World beat and international) and 34 (Jazz and blues) broadcast in their entirety.

In addition to the instances of apparent non-compliance set out above, the Commission has concerns with regards to the local programming offered by the station.

In Broadcasting Decision 2015-372, the Commission granted the station a short-term renewal due to instances of non-compliance regarding sections 2.2(8) and 2.2(9) of the Regulations, which relate to the broadcast of Canadian musical selections from content category 2 (Popular Music) and its condition of licence relating to the broadcast of musical selections from content subcategories 33 and 34. In addition, the Commission imposed a condition of licence requiring an additional CCD contribution of \$600.

Should the Commission determine that the licensee is in non-compliance in the current licence term, it would be the second consecutive licence term in which CKPM-FM has been found in non-compliance with regulatory requirements.

Given the current instances of apparent non-compliance and their recurring nature, in addition to the other instances of non-compliance noted by the Commission in Broadcasting Decision 2015-372, the Commission has concerns regarding the licensee's ability and commitment to operate the station in a compliant manner. The licensee will

need to demonstrate why the licence should be renewed, or why the Commission should not revoke the licence.

This application was first scheduled to be considered at the 5 September 2019 hearing (*Notice of hearing*, Broadcasting Notice of Consultation CRTC 2019-225, 27 June 2019), but will now be considered at the present hearing as an appearing item. The Commission will consider the interventions already accepted and filed on the public record for the 5 September 2019 public hearing, as well as other interventions and replies received in the context of this hearing.

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#### **4. CIMM-FM Radio Ltd.**

Ucluelet, British Columbia  
Application 2018-0692-8

Application by **CIMM-FM Radio Ltd.** to renew the broadcasting licence for the English-language commercial radio station CIMM-FM Ucluelet, expiring 31 March 2020.<sup>5</sup>

The applicant also filed an application (2019-0181-9) for authorization to change its ownership and effective control (item 6).

According to Commission records, the licensee is in apparent non-compliance with the following sections of the *Radio Regulations, 1986* (the Regulations) and its conditions of licence set out below:

- sections 8(5), 9(3)(a) and 9(3)(b) of the Regulations relating to the submission of a clear and complete audio recording, an accurate self-assessment report and a complete and accurate music list;
- condition of licence 2 set out in Appendix 1 to *CIMM-FM Ucluelet and CHMZ-FM Tofino – Licence renewals*, Broadcasting Decision CRTC 2016-297, 29 July 2016 (Broadcasting Decision 2016-297), relating to the requirement to devote, each broadcast week, a minimum of three hours to programming in Aboriginal languages and an additional three hours to be used by local First Nations groups; and

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<sup>5</sup> The licence for the station was administratively renewed from 1 September 2019 to 31 March 2020 in *Various commercial radio programming undertakings – Administrative renewals*, Broadcasting Decision CRTC 2019-256, 16 July 2019.

- condition of licence 3 set out in Appendix 1 to Broadcasting Decision 2016-297, relating to the requirement to broadcast on-air announcements regarding its non-compliance.

In addition to the instances of apparent non-compliance set out above, the Commission has concerns with regards to the local programming offered by the station.

In Broadcasting Decision 2016-297, the Commission granted the station a short-term renewal and required that it make announcements on the air regarding its non-compliance due to instances of non-compliance regarding sections 8(1), 8(4), 8(5), 8(6), 9(2), 9(3) and 9(4) of the Regulations, which relate to the filing of radio monitoring material, the filing of annual returns and the requirement to respond to Commission requests.

Should the Commission determine that the licensee is in non-compliance in the current licence term, it would be the third consecutive licence term in which CIMM-FM has been found in non-compliance with regulatory requirements.

Given the current instances of apparent non-compliance and their recurring nature, in addition to the other instances of non-compliance noted by the Commission in Broadcasting Decision 2016-297 and *CIMM-FM Ucluelet – Licence renewal*, Broadcasting Decision CRTC 2013-452, 28 August 2013, the Commission has concerns regarding the licensee's ability and commitment to operate the station in a compliant manner. The licensee will need to demonstrate why the licence should be renewed, or why the Commission should not revoke the licence.

This application was first scheduled to be considered at the 5 September 2019 hearing (*Notice of hearing*, Broadcasting Notice of Consultation CRTC 2019-225, 27 June 2019), but will now be considered at the present hearing as an appearing item. The Commission will consider the interventions already accepted and filed on the public record for the 5 September 2019 public hearing, as well as other interventions and replies received in the context of this hearing.

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**5. CHMZ-FM Radio Ltd.**  
Tofino, British Columbia  
Application 2018-0693-6

Application by **CHMZ-FM Radio Ltd.** to renew the broadcasting licence for the English-language commercial radio station CHMZ-FM Tofino, expiring 31 March 2020.<sup>6</sup>

The applicant also filed an application (2019-0179-4) for authorization to change its ownership and effective control (item 6).

According to Commission records, the licensee is in apparent non-compliance with the following sections of the *Radio Regulations, 1986* (the Regulations) and its condition of licence set out below:

- section 2.2(3)(b) of the Regulations relating to the requirement to devote at least 10% of its musical selections from content category 3 to Canadian selections;
- sections 8(5), 9(3)(a) and 9(3)(b) of the Regulations relating to the submission of a clear and complete audio recording, an accurate self-assessment report and a complete and accurate music list; and
- condition of licence 2 set out in Appendix 2 to *CIMM-FM Ucluelet and CHMZ-FM Tofino – Licence renewals*, Broadcasting Decision CRTC 2016-297, 29 July 2016 (Broadcasting Decision 2016-297), relating to the requirement to broadcast on-air announcements regarding its non-compliance.

In addition to the instances of apparent non-compliance set out above, the Commission has concerns with regards to the local programming offered by the station.

In Broadcasting Decision 2016-297, the Commission granted the station a short-term renewal and required that it make announcements on the air regarding its non-compliance due to instances of non-compliance regarding sections 8(4), 8(5) and 9(3) of the Regulations, which relate to the filing of radio monitoring material.

Should the Commission determine that the licensee is in non-compliance in the current licence term, it would be the third consecutive licence term in which CHMZ-FM has been found in non-compliance with regulatory requirements.

Given the current instances of apparent non-compliance and their recurring nature, in addition to the other instances of non-compliance noted by the Commission in Broadcasting Decision 2016-297 and *CHMZ-FM Tofino – Acquisition of assets*, Broadcasting Decision CRTC 2012-694, 20 December 2012, the Commission has concerns regarding the licensee's ability and commitment to operate the station in a

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<sup>6</sup>The licence for the station was administratively renewed from 1 September 2019 to 31 March 2020 in *Various commercial radio programming undertakings – Administrative renewals*, Broadcasting Decision CRTC 2019-256, 16 July 2019.

compliant manner. The licensee will need to demonstrate why the licence should be renewed, or why the Commission should not revoke the licence.

This application was first scheduled to be considered at the 5 September 2019 hearing (*Notice of hearing*, Broadcasting Notice of Consultation CRTC 2019-225, 27 June 2019), but will now be considered at the present hearing as an appearing item. The Commission will consider the interventions already accepted and filed on the public record for the 5 September 2019 public hearing, as well as other interventions and replies received in the context of this hearing.

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**6. CHMZ-FM Radio Ltd. and CIMM-FM Radio Ltd.**

Tofino and Ucluelet, British Columbia  
Applications 2019-0179-4 and 2019-0181-9

Applications by **CHMZ-FM Radio Ltd.** (2019-0179-4) and **CIMM-FM Radio Ltd.** (2019-0181-9) for authority to change their ownership and effective control. These entities are the respective licensees of the English-language commercial radio stations CHMZ-FM Tofino and CIMM-FM Ucluelet. The transaction would subsequently be effected by the transfer of all of the shares to 1193833 B.C. Ltd.

The applicant also filed applications (2018-0692-8 and 2018-0693-6) to renew the broadcasting licences for these two stations, which are to be considered in this notice (items 4 and 5).

The applicant proposed to operate the stations under the same terms and conditions as those in effect under the current licences.

CHMZ-FM Radio Ltd. and CIMM-FM Radio Ltd. are corporations that are wholly owned and controlled by Matthew McBride.

1193833 B.C. Ltd. is a corporation that is wholly owned and controlled by Cameron Randall Dennison.

Pursuant to the purchase agreement, 1193833 B.C. Ltd. would acquire all the issued and outstanding shares of the share capital of CHMZ-FM Radio Ltd. and CIMM-FM Radio Ltd. The purchase price is \$108,755. The applicant did not propose a tangible benefits package.

Following the transaction, 1193833 B.C. Ltd. would become the licensee of CHMZ-FM Tofino and CIMM-FM Ucluelet.

These applications were first scheduled to be considered at the 5 September 2019 hearing (*Notice of hearing*, Broadcasting Notice of Consultation CRTC 2019-225, 27 June 2019), but will now be considered at the present hearing as an appearing item. The Commission will consider the interventions already accepted and filed on the public record for the 5 September 2019 public hearing, as well as other interventions and replies received in the context of this hearing.

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**7. Stingray Group Inc.**  
Across Canada  
Application 2019-0185-1

Application by **Stingray Group Inc.** for a broadcasting licence to operate its national French-language discretionary service known as Stingray Hits.

The service is devoted to music television programming, focusing on popular music videos from the last 20 years. The service has exceeded 210,000 subscribers for a period of more than three consecutive months and is therefore no longer eligible to operate pursuant to *Exemption order respecting discretionary television programming undertakings serving fewer than 200,000 subscribers*, Broadcasting Order CRTC 2015-88, 12 March 2015.

The applicant stated that it would adhere to a condition of licence requiring that it devote at least 10% of the previous year's gross annual revenues to the acquisition of and investment in Canadian programming, in addition to the standard conditions of licence for discretionary services set out in Appendix 2 to *Standard requirements for television stations, discretionary services and on-demand services*, Broadcasting Regulatory Policy CRTC 2016-436, 2 November 2016.

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## **8. Canadian Broadcasting Corporation**

Chisasibi, Wemindji, Waskaganish, Waswanipi, Mistissini and Québec, Quebec  
Applications 2019-0395-6 and 2019-0375-8

Application (2019-0395-6) by the **Canadian Broadcasting Corporation (CBC)** to operate an English-language FM radio station in Chisasibi with rebroadcasting transmitters in Wemindji, Waskaganish, Waswanipi and Mistissini to replace the rebroadcasting transmitter CBMP-FM Chisasibi belonging to its English-language radio station CBVE-FM Québec (Radio One).

The applicant also filed an application (2019-0375-8), non-severable from its first application, to amend the broadcasting licence for CBVE-FM Québec to delete the rebroadcasting transmitters CBMP-FM Chisasibi, CBMW-FM Wemindji, CBMQ-FM Waskaganish, CBVW-FM Waswanipi and CBVS-FM Mistissini.

The applicant stated that it would operate the new station and its rebroadcasting transmitters under the same technical parameters as those currently in effect under the licence for CBVE-FM.

The applicant also stated that the station would continue to broadcast programming received from CBC's national Radio One network, but would also broadcast a minimum of 15 hours of local programming per broadcast week in the Cree language.

The Commission may withdraw this application from the public hearing if it is not advised by the Department of Industry, at least 20 days prior to the hearing, that the application is technically acceptable.

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## **9. Canadian Broadcasting Corporation**

Chisasibi, Kuujjuaq, Kuujjuarapik, Wemindji, Waskaganish, Waswanipi, Mistissini and Montréal, Quebec

Applications 2019-0384-9, 2019-0392-2, 2019-0386-5, 2019-0382-3, 2019-0380-8, 2019-0378-2, 2019-0374-0 and 2019-0376-6

Application (2019-0392-2) by the **Canadian Broadcasting Corporation (CBC)** to revoke the broadcasting licence for its French-language radio station CBFQ-FM Chisasibi (ICI Radio-Canada Première) and its rebroadcasting transmitters CBFQ-FM-1 Kuujjuaq, CBFQ-FM-2 Kuujjuarapik, CBFV-FM Wemindji, CBFH-FM Waskaganish, CBFV-FM Waswanipi and CBFM-FM Mistissini.

The applicant also filed applications, non-severable from its first application, to amend the broadcasting licence for its French-language radio station CBF-FM Montréal (ICI Radio-Canada Première) to add the following rebroadcasting transmitters: CBF-G-FM Chisasibi (2019-0384-9), CBF-G-FM-1 Kuujuaq (2019-0386-5), CBF-G-FM-2 Kuujuarapik (2019-0382-3), CBF-W-FM Wemindji (2019-0380-8), CBF-H-FM Waskaganish (2019-0378-2), CBF-V-FM Waswanipi (2019-0374-0) and CBF-M-FM Mistissini (2019-0376-6).

The applicant stated that it would operate those rebroadcasting transmitters under the same technical parameters as those currently in effect under the licence for CBF-G-FM.

Since the Cree-language programming currently broadcast on CBF-G-FM would be transferred to the proposed new FM station in Chisasibi, CBF-G-FM would no longer be originating any distinct programming and would revert to becoming a rebroadcasting transmitter belonging to CBF-FM Montréal. As a result, these applications are non-severable from the application to operate a new station in Chisasibi (2019-0395-6).

*Applicant's address:*

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K1P 1K9

Fax: 613-288-6257

Email: bevkirshenblatt.regaffairs@cbc.ca

Email to request electronic version of application: regulatoryaffairs@cbc.ca

#### **10. Canadian Broadcasting Corporation**

Kuujuaq, Kuujuarapik, Inukjuaq, Salluit and Puvirnituk, Quebec; and Iqaluit, Nunavut

Applications 2019-0396-4 and 2019-0390-7

Application (2019-0396-4) by the **Canadian Broadcasting Corporation** (CBC) to operate an English-language FM radio station in Kuujuaq with rebroadcasting transmitters in Kuujuarapik, Inukjuaq, Salluit and Puvirnituk to replace the rebroadcasting transmitter CFFB-FM-5 Kuujuaq belonging to its English-language radio station CFFB Iqaluit (Radio One).

The applicant also filed an application (2019-0390-7), non-severable from its first application, to amend the broadcasting licence for CFFB Iqaluit to delete the rebroadcasting transmitters CFFB-FM-5 Kuujuaq, CFFB-FM-4 Kuujuarapik, CFFB-FM-6 Inukjuaq, CFFB-FM-7 Salluit and CFFB-FM-8 Puvirnituk.

The applicant stated that it would operate the new station and its rebroadcasting transmitters under the same technical parameters as those currently in effect under the licence for CFFB.



The applicant also stated that the station would continue to broadcast programming received from CBC's national Radio One network, but would also broadcast a minimum of 5 hours of distinct local programming per broadcast week in the Inuktitut language.

The Commission may withdraw this application from the public hearing if it is not advised by the Department of Industry, at least 20 days prior to the hearing, that the application is technically acceptable.

*Applicant's address:*

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

## Procedure

### Deadline for interventions, comments or answers

**27 September 2019**

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, answer, replies 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 related 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.

For applications to be considered during the appearing phase of the hearing, the intervention or answer 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.

Parties are permitted to coordinate, organize, and file, in a single submission, interventions by other interested persons who share their position but do not wish to appear at the hearing. 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.

Pursuant to *Filing submissions for Commission proceedings in accessible formats*, Broadcasting and Telecom Information Bulletin CRTC 2015-242, 8 June 2015, the Commission expects incorporated entities and associations, and encourages all Canadians, to file submissions for Commission proceedings in accessible formats (for example, text-based file formats that allow text to be enlarged or modified, or read by screen readers). To provide assistance in this regard, the Commission has posted on its website [guidelines](#) for preparing documents in accessible formats.

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 filing, or where required, service 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 or served. The Commission advises parties who file or 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.

Although the public hearing will be held in **Gatineau, Quebec**, the Commission will consider providing videoconference or teleconference links should it receive requests to do so.

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, fax, 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 fax 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 "Consultations and hearings – Have your say!" section, then selecting "our applications and processes that are open for comment". 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 at the following address, upon request, during normal business hours.

Les Terrasses de la Chaudière  
Central Building  
1 Promenade du Portage  
Gatineau, Quebec  
J8X 4B1  
Tel.: 819-997-2429  
Fax: 819-994-0218

Toll-free telephone: 1-877-249-2782  
Toll-free TTY: 1-877-909-2782

Secretary General