



Broadcasting Notice of Consultation CRTC 2024-11

PDF version

Ottawa, 17 January 2024

Public record: 1011-NOC2024-0011

Notice of hearing

25 March 2024

National Capital Region

Deadline for submission of interventions/comments/answers: 16 February 2024

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

The Commission will hold a virtual hearing on **25 March 2024 at 11:00 a.m. in the National Capital Region**. The Commission intends to consider the following applications, subject to interventions, without the appearance of the parties:

Applicant/Licensee and Locality

1. **Bayshore Broadcasting Corporation**

Owen Sound, Ontario
Application 2023-0088-8

2. **Local Radio Lab Inc.**

Toronto, Ontario
Application 2023-0565-6

1. **Bayshore Broadcasting Corporation**

Owen Sound, Ontario
Application 2023-0088-8

Application by Bayshore Broadcasting Corporation for a broadcasting licence to operate an English-language commercial FM radio station in Owen Sound to replace its English-language commercial AM radio station CFOS Owen Sound.

The station would operate at 89.3 MHz (channel 207B1) with an effective radiated power (ERP) of 1,500 watts (non-directional antenna with an effective height of antenna above average terrain [EHAAT] of 214 metres).

The applicant indicated that the station's programming format would remain the same, consisting of a mix of news, talk, and music targeting the adult population over 50 years of age.

The applicant proposed to broadcast 126 hours of local programming per broadcast week, of which 3 hours would be devoted to news.

The application would have very little or no commercial impact. Therefore, the Commission will examine this application during the current proceeding, given that it would fall under an exception to issue a call for comments on market capacity and the appropriateness of issuing a call for radio applications, as set out in *A targeted policy review of the commercial radio sector*, Broadcasting Regulatory Policy CRTC 2014-554, 28 October 2014.

Should the Commission approve the application, the proposed station could become the applicant's third FM station in the Owen Sound market.

The Commission would also propose to issue orders pursuant to subsection 9.1(1) of the *Broadcasting Act* (the Act) requiring the licensee to adhere to the standard conditions of service set out in *Revised conditions of licence for commercial AM and FM radio stations*, Broadcasting Regulatory Policy CRTC 2022-334, 7 December 2022, as well as applicable requirements set out in the *Radio Regulations, 1986* that were made under paragraph 10(1)(a) or under paragraph 10(1)(i) of the old Act. The Commission further proposes to issue orders pursuant to subsection 9.1(1) of the Act requiring the licensee to adhere to standard conditions regarding the National Public Alerting System and advise the Commission of the implementation as well as testing results within 14 days. Consistent with subsection 9.1(4) of the Act, interested persons may, as part of this process, make representations to the Commission with respect to these proposed orders.

The Commission may withdraw this application from the public hearing if it is not advised by the Department of Industry (also known as Innovation, Science and Economic Development Canada), at least 20 days prior to the hearing, that the application is technically acceptable.

Applicant's address:

270 9th Street East

Owen Sound, Ontario

N4K 5P5

Telephone: 519-376-2030

E-mail: kbrown@bayshorebroadcasting.ca

E-mail to request electronic version of application: kbrown@bayshorebroadcasting.ca

2. Local Radio Lab Inc.

Toronto, Ontario

Application 2023-0565-6

Application by Local Radio Lab Inc. (LRL) for authority to acquire from Rock 95 Broadcasting Ltd. (Rock 95) the assets of the English-language commercial radio station CIND-FM Toronto, operating at 88.1 MHz.

LRL also requested a new broadcasting licence to continue the operation of the undertaking under the same terms and conditions as those in effect under the current licence.

LRL is a corporation wholly owned and effectively controlled by Christopher Grossman.

Rock 95 is a corporation wholly owned by 1003161 Ontario Inc. Its effective control is exercised by Douglas Bingley, its majority shareholder.

Pursuant to the Asset Purchase Agreement, LRL would purchase the assets of the undertaking for \$7,000,000. The applicant proposed a value of the transaction of \$8,878,150, which includes the value of working capital, ancillary agreements and tower and office leases to be assumed by the purchaser. As per the *Simplified approach to tangible benefits and determining the value of the transaction* Broadcasting Regulatory Policy CRTC 2014-459, 5 September 2014, the applicant also proposed a tangible benefits package of \$532,689, which is equal to 6% of the value of transaction.

The Commission reminds the applicant that all situations of apparent non-compliance will be examined at the licence renewal for the station.

Should the Commission approve the application, it proposes to issue orders pursuant to subsection 9.1(1) of the *Broadcasting Act* (the Act) requiring the licensee to adhere to the same conditions of service currently in effect for CIND-FM. These conditions of service can be reviewed in *CIND-FM Toronto – Licence renewal*, Broadcasting Decision CRTC 2019-135, 9 May 2019, along with the amendments approved in *CFPT-FM Toronto and CIND-FM Toronto – Technical changes*, Broadcasting Decision CRTC 2019-213, 14 June 2019. Consistent with subsection 9.1(4) of the Act, interested persons may, as part of this process, make representations to the Commission with respect to these proposed orders.

Following the closing of the transaction, LRL would become the licensee of CIND-FM Toronto.

Applicant's address:

185 Lake Promenade

Toronto, Ontario

M8W 1A6

Fax: 416-922-7588

E-mail: grossmanchristopher@gmail.com

Email to request electronic version of application: grossmanchristopher@gmail.com

Procedure

Deadline for interventions, comments or answers

16 February 2024

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, answers, 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 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.

Interested persons 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.

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 an 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.

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, 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, and telephone and fax numbers.

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 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.

Links to interventions, replies and answers filed for this proceeding, as well as other documents referred to in this notice, are available on the Commission's "[Consultations and hearings: have your say](#)" page.

Documents are available upon request during normal business hours by contacting:

Documentation Centre
Examinationroom@crtc.gc.ca
Tel.: 819-997-4389
Fax: 819-994-0218

Client Services

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

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

Secretary General