



Broadcasting Notice of Public Hearing CRTC 2005-3

Ottawa, 17 March 2005

The Commission will hold a public hearing commencing on 16 May 2005 at 9:00 a.m., at the Commission Headquarters, 1 Promenade du Portage, Gatineau, Quebec, to consider the following applications. The deadline for submission of interventions/comments is 21 April 2005.

- | Item | Applicant and Locality |
|-------------|---|
| 1. | Rogers Cable Communications Inc.
Across Cable |
| 2. | Astral Broadcasting Group Inc. (Ztélé)
Across Canada |
| 3. | Astral Broadcasting Group Inc. (Canal D)
Across Canada |
| 4. | Alliance Atlantis Broadcasting Inc. and Astral Broadcasting Group Inc. (Séries+)
Across Canada |
| 5. | Alliance Atlantis Broadcasting Inc. and Astral Broadcasting Group Inc. (Historia)
Across Canada |
| 6. | John S. Panikkar (OBCI) (OasisHD)
Across Canada |
| 7. | John S. Panikkar (OBCI) (15 DegreesHD)
Across Canada |
| 8. | John S. Panikkar (OBCI) (ArtefactHD)
Across Canada |
| 9. | Radio Chibougamau inc. (CJMD)
Chibougamau, Quebec |
| 10. | Coop de solidarité radio communautaire de la MRC de Maskinongé
Louiseville and Saint-Alexis-des-Monts, Quebec |
| 11. | Canadian Broadcasting Corporation (CBVT)
Québec, Quebec |
| 12. | Bluewater Community Radio
Hanover, Ontario |
| 13. | Eternacom Inc.
North Bay, Ontario |
| 14. | The Haliburton Broadcasting Group Inc.
North Bay, Ontario |
| 15. | Robert Orr (OBCI)
Blucher, Saskatchewan |

1. **Across Canada**
Application No. 2004-1575-4

Application by **Rogers Cable Communications Inc.** (Rogers Cable) to acquire the assets of the national English-language direct-to-home pay-per-view (DTH/PPV) programming undertaking sports/specials service and of the national English-language pay-per-view (PPV) programming undertaking sports/specials service from 3216195 Canada Inc. (3216195 Canada).

Both Rogers Cable and 3216195 Canada are controlled through various holding companies by Rogers Communications Inc.

The applicant is also requesting licences to continue the operation of these undertakings under the same terms and conditions as the current licences issued to 3216195 Canada upon surrender of these licences.

Applicant's address:

333 Bloor Street East
 9th floor
 Toronto, Ontario
 M4W 1G9
 Fax: (416) 935-4875
 E-Mail: Cable.Regulatory@rci.rogers.com

Examination of application:

At the applicant's address

[Broadcasting Intervention/Comments Form]

2. **Across Canada**
Application No. 2004-1433-4

Application by **Astral Broadcasting Group Inc.** to renew the licence of the national French-language specialty programming undertaking known as Ztélé expiring 31 August 2005.

The licensee proposes the following amendment:

Eliminate the condition of licence 1c) stipulating that the licensee shall not distribute any feature films drawn from category 7d) (feature films, theatrical releases). The feature films in category 7d) broadcast by the licensee shall have been copyrighted at least 7 years prior to the broadcast year in which they are aired by the service.

Licensee's address:

2100 Sainte-Catherine Street West
Suite 700
Montreal, Quebec
H3H 2T3
FAX : (514) 939-3136
E-Mail : proy@chaines.astral.com

Examination of application:

At the applicant's address

[Broadcasting Intervention/Comments Form]

3. **Across Canada**
Application No. 2004-1434-2

Application by **Astral Broadcasting Group Inc.** to renew the licence of the national French-language specialty programming undertaking known as Canal D expiring 31 August 2005.

The licensee proposes to operate this undertaking under the same terms, conditions and definitions in effect under the current licence.

Licensee's address:

2100 Sainte-Catherine Street West
Suite 700
Montreal, Quebec
H3H 2T3
Fax: (514) 939-3136
E-Mail : proy@chaines.astral.com

Examination of application:

At the applicant's address

[Broadcasting Intervention/Comments Form]

4. **Across Canada**
Application No. 2004-1431-8

Application by **Alliance Atlantis Broadcasting Inc. and Astral Broadcasting Group Inc., partners in a general partnership carrying on business as Historia & Séries+, s.e.n.c.** to renew the licence of the national French-language specialty programming undertaking known as Séries+ expiring 31 August 2005.

The licensee proposes to operate this undertaking under the same terms, conditions and definitions in effect under the current licence.

Licensee's address:

2100 Sainte-Catherine Street West
Suite 700
Montreal, Quebec
H3H 2T3
Fax : (514) 939-3136
E-Mail : proy@chaines.astral.com

Examination of application:

At the applicant's address

[Broadcasting Intervention/Comments Form]

5. **Across Canada**
Application No. 2004-1432-6

Application by **Alliance Atlantis Broadcasting Inc. and Astral Broadcasting Group Inc., partners in a general partnership carrying on business as Historia & Séries+, s.e.n.c.** to renew the licence of the national French-language specialty programming undertaking known as Historia expiring 31 August 2005.

The licensee proposes to operate this undertaking under the same terms, conditions and definitions in effect under the current licence.

Licensee's address:

2100 Sainte-Catherine Street West
Suite 700
Montreal, Quebec
H3H 2T3
Fax : (514) 939-3136
E-Mail : proy@chaines.astral.com

Examination of application:

At the applicant's address

[Broadcasting Intervention/Comments Form]

6. **Across Canada**
Application No. 2004-1391-4

Application by **John S. Panikkar**, on behalf of a corporation to be incorporated (OBCI), for a licence to operate a Category 2 national English-language specialty programming undertaking to be known as OasisHD.

The applicant states that its high definition programming service will feature urban and wild landscapes by the best cinematographers from Canada and the world.

The applicant proposes to offer programming from the following categories: 2(a), 2(b), 5(b), 7(g), 11, 12 and 13 as set out in Schedule I of the *Specialty Services Regulations, 1990*.

Applicant's address:

11 Jondan Crescent
Thornhill, Ontario
L3T 3Z4
Fax: (905) 707-0387
E-Mail: johnpanikkar@sympatico.ca

Examination of application:

150 York Street
Suite 1010
Toronto, Ontario

[Broadcasting Intervention/Comments Form]

7. **Across Canada**
Application No. 2004-1392-2

Application by **John S. Panikkar**, on behalf of a corporation to be incorporated (OBCI), for a licence to operate a Category 2 national English-language specialty programming undertaking to be known as 15 DegreesHD.

The applicant states that its high definition programming service will showcase the world's ordinary people in all their diversity, complexity and cultural distinctiveness. The applicant proposes to offer programming from the following categories: 2(a), 2(b), 5(b), 7(g), 11, 12 and 13 as set out in Schedule I of the *Specialty Services Regulations, 1990*.

Applicant's address:

11 Jondan Crescent
Thornhill, Ontario
L3T 3Z4
Fax: (905) 707-0387
E-Mail: johnpanikkar@sympatico.ca

Examination of application:

150 York Street
Suite 1010
Toronto, Ontario

[Broadcasting Intervention/Comments Form]

8. **Across Canada**
Application No. 2004-1393-0

Application by **John S. Panikkar**, on behalf of a corporation to be incorporated (OBCI), for a licence to operate a Category 2 national English-language specialty programming undertaking to be known as ArtefactHD.

The applicant states that its high definition programming service will showcase fascinating things and the people who are passionate about them.

The applicant proposes to offer programming from the following categories: 2(a), 2(b), 5(b), 7(g), 11, 12 and 13, as set out in Schedule I of the *Specialty Services Regulations, 1990*.

Applicant's address:

11 Jondan Crescent
Thornhill, Ontario
L3T 3Z4
Fax: (905) 707-0387
E-Mail: johnpanikkar@sympatico.ca

Examination of application:

150 York Street
Suite 1010
Toronto, Ontario

[Broadcasting Intervention/Comments Form]

9. **Chibougamau, Quebec**
Application No. 2004-0893-1

Application by **Radio Chibougamau inc.** to convert radio station CJMD Chibougamau from the AM band to the FM band.

The new station would operate on frequency 93.5 MHz (channel 228C1) with an average effective radiated power of 19,800 watts (maximum effective radiated power of 75,000 watts/antenna height of 222.5 metres).

The applicant is requesting permission to simulcast the programming of the new FM station on CJMD Chibougamau and its transmitter CFED Chapais for a period of

3 months from the date of implementation of the new station.

The applicant is also requesting, pursuant to sections 9(1)(e) and 24(1) of the Broadcasting Act, the revocation of the licence of CJMD Chibougamau effective at the end of the simulcast period.

The licensee indicates that the contours of the new FM station would cover the whole region of Chibougamau and Chapais.

The Commission will only proceed with this application at the public hearing if advised by the Department of Industry, at least twenty days prior to the hearing, that it is technically acceptable.

Applicant's address:

539 - 3^e Rue
Chibougamau, Quebec
G8P 1N8
Fax: (418) 275-2475
E-Mail: malevesque@antenne6.com

Examination of application:

At the applicant's address

[Broadcasting Intervention/Comments Form]

**10. Louiseville and Saint-Alexis-des-Monts, Quebec
Application No. 2004-1299-0**

Application by **Coop de solidarité radio communautaire de la MRC de Maskinongé** for a licence to operate a French-language FM Type B community radio programming undertaking in Louiseville and a transmitter at Saint-Alexis-des-Monts.

The new station would operate on frequency 103.1 MHz (channel 276A) with an average effective radiated power of 1,400 watts (maximum effective radiated power of 2,720 watts/antenna height of 37 metres).

The transmitter would operate on frequency 104.9 MHz (channel 285A1) with an average effective radiated power of 140 watts (maximum effective radiated power of 250 watts/antenna height of -17.5 metres).

The Commission will only proceed with this application at the public hearing if advised by the Department of Industry, at least twenty days prior to the hearing, that it is technically acceptable.

Applicant's address:

121 Petite Rivière, local 16
Louiseville, Quebec
J5V 2H3
Fax: (450) 963-7229

Examination of application:

Regional Municipality of the county of Maskinongé
651 St-Laurent Boulevard East
Louiseville, Quebec

and

City Hall
101 Hôtel de Ville Street
Saint-Alexis-des-Monts, Quebec

[Broadcasting Intervention/Comments Form]

11. **Québec, Quebec**
Application No. 2004-0961-6

Application by the **Canadian Broadcasting Corporation (CBC)** for a licence to operate an English-language transitional digital television undertaking associated with its existing TV station CBVT Québec.

The new station would operate on channel 12VL with an average effective radiated power of 1,020 watts (maximum effective radiated power of 2,450 watts/antenna height of 500.1 metres).

The Commission will only proceed with this application at the public hearing if advised by the Department of Industry, at least twenty days prior to the hearing, that it is technically acceptable.

Applicant's address:

181 Queen Street
Ottawa, Ontario
K1P 1K9
Fax: (613) 288-6257
E-Mail: kirshenb@ottawa.cbc.ca

Examination of application:

CBC Reception
888 St-Jean Street
Québec, Quebec

[Broadcasting Intervention/Comments Form]

12. **Hanover, Ontario**
Application No. 2004-1049-9

Application by **Bluewater Community Radio** for a licence to operate an English-language FM Type B community radio programming undertaking in Hanover.

The new station would operate on frequency 91.3 MHz (channel 217A1) with an effective radiated power of 250 watts (non-directional antenna/antenna height of 39.8 metres).

In *New developmental community radio station*, Decision CRTC 2001-576, 12 September 2001, the Commission approved an application by Bluewater Community Radio to operate a new developmental community radio station in Hanover (CFBW-FM). The licence for CFBW-FM expires 12 September 2005.

In *Community Radio Policy*, Public Notice CRTC 2000-13, 28 January 2000, the Commission stated that developmental radio stations would generally be licensed for three years. At the end of this term, licensees will be expected to have filed an application with the Commission for a regular community radio licence, or to cease operations. The licensee has filed an application for a regular community radio licence.

Applicant's address:

275 - 10th Street
Suite 4
Hanover, Ontario
N4N 1P1
Fax: (519) 364-5175
E-Mail: bluewaterradio@on.aibn.com

Examination of application:

At the applicant's address

[Broadcasting Intervention/Comments Form]

13. **North Bay, Ontario**
Application No. 2004-1292-4

Application by **Eternacom Inc.** for a licence to operate an English-language FM commercial specialty radio programming undertaking in North Bay.

The new station would operate on frequency 107.3 MHz (channel 297A) with an effective radiated power of 800 watts (non-directional antenna/antenna height of 61.4 metres).

The applicant is proposing a Christian music service (specialty format) with at least 95% of the weekly total music drawn from subcategory 35 (non-classic religious).

The applicant has indicated that a minimum of 50% of the programming to be aired each broadcast week on the proposed North Bay station would be local station produced programming. The remaining 50% of the broadcast week would consist of programming originating from the applicant's Sudbury station CJTK-FM.

The applicant also proposes to amend the licence of radio programming undertaking CJTK-FM Sudbury by deleting the transmitter CJTK-FM-1 North Bay.

The proposed FM station would replace CJTK-FM-1.

The Commission notes that CJTK-FM-1 currently operates on frequency 89.5 MHz (channel 208LP) with an effective radiated power of 33 watts. Should the new FM station be approved, the status of the undertaking would change from a low power unprotected transmitter to a regular Class A station.

The Commission will only proceed with this application at the public hearing if advised by the Department of Industry, at least twenty days prior to the hearing, that it is technically acceptable.

Applicant's address:

417 Notre Dame Avenue
 Sudbury, Ontario
 P3C 5K6
 Fax: (705) 688-1081
 E-Mail: mail@cjtk.com

Examination of application:

1250 Cassells Street
 North Bay, Ontario

[Broadcasting Intervention/Comments Form]

14. **North Bay, Ontario**
Application No. 2004-0418-7

Application by **The Haliburton Broadcasting Group Inc.** for a licence to operate an English-language FM commercial radio programming undertaking in North Bay.

The new station would operate on frequency 106.3 MHz (channel 292B1) with an effective radiated power of 10,000 watts (non-directional antenna/antenna height of 145.4 metres).

The applicant proposes a contemporary country music format.

Applicant's address:

57 Elm Avenue
 Toronto, Ontario
 M4W 1N6
 Fax: (416) 925-6256
 E-Mail: cgrossman@hbgradio.com

Examination of application:

City Hall
 North Bay, Ontario

[Broadcasting Intervention/Comments Form]

15. **Blucher, Saskatchewan**
Application No. 2004-0598-7

Application by **Robert Orr**, on behalf of a corporation to be incorporated (OBCI), for a licence to operate an English-language commercial specialty FM radio programming undertaking at Blucher.

The new station would operate on frequency 94.1 MHz (channel 231LP) with an effective radiated power of 36 watts (non-directional antenna/antenna height of 105.9 metres).

The applicant is proposing to operate a Christian music service (specialty format) with at least 95% of the weekly total music drawn from subcategory 35 (non-classic religious).

Applicant's address:

2127 St. Andrews Avenue
 Saskatoon, Saskatchewan
 S7M 0M2
 E-Mail: rorry@yahoo.com

Examination of application:

Sunset Estates Confectionery
RR6
Saskatoon, Saskatchewan

[Broadcasting Intervention/Comments Form]

Public Participation

Deadline for interventions/comments

21 April 2005

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

The intervention 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.

Your intervention will be considered by the Commission, and will form part of the public record of the proceeding without further notification to you, provided the procedure set out below has been followed. You will be contacted only if your submission raises procedural questions.

Submit your written intervention to the Secretary General of the Commission in **only one** of the following formats:

by using the

Broadcasting Intervention/Comments Form

located below the description of each application within this notice of public hearing

or

by mail to

CRTC, Ottawa, Ontario K1A 0N2

or

by fax at

(819) 994-0218

A true copy **must** be sent to the applicant and proof that this has been done must accompany the intervention sent to the Commission.

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

Before initiating service through electronic mode, please ensure that you will be able to satisfy the Commission, upon request, that service of the notification was completed.

Where the intervention is filed by electronic means, the line *****End of document***** should be entered following the last paragraph of the document, as an indication that the document has not been damaged during electronic transmission.

Each paragraph of the document should be numbered.

Your intervention should clearly identify the application and indicate whether you support or oppose the application, or if you propose changes to it, include the facts and grounds for your proposal.

In the event that the application is brought to the oral phase of the hearing, and if you wish to appear, you must provide reasons why your written comments are not sufficient and why an appearance is necessary.

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

All information submitted, including your email address, name and any other personal information as provided, will become part of the public record and can be viewed on the Commission's Web site.

Documents sent in electronic format will be put on the Commission's Web site exactly as we received them, and in the official language and format in which they are sent. Documents not received electronically will be scanned and put on the Web site.

Examination of documents

An electronic version of applications is available from the Commission's web site by selecting the application number within this notice.

A list of all interventions/comments will also be available on the Commission's Web site. An electronic version of all interventions/comments submitted will be accessible from this list. To access the list, select "Lists of interventions/comments" under "Public Proceedings" from the Commission's Web site.

Documents are also available during normal office hours at the local address provided in this notice and at the Commission offices and documentation centres directly involved with these applications or, upon request, within 2 working days, at any other CRTC offices and documentation centres.

Central Building

Les Terrasses de la Chaudière
1 Promenade du Portage, Room 206
Gatineau, Quebec K1A 0N2
Tel: (819) 997-2429 – TDD: 994-0423
FAX: (819) 994-0218

Metropolitan Place

99 Wyse Road
Suite 1410
Dartmouth, Nova Scotia B3A 4S5
Tel: (902) 426-7997 – TDD: 426-6997
FAX: (902) 426-2721

205 Viger Avenue West
Suite 504
Montréal, Quebec H2Z 1G2
Tel: (514) 283-6607

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

Kensington Building

275 Portage Avenue
Suite 1810
Winnipeg, Manitoba R3B 2B3
Tel: (204) 983-6306 – TDD: 983-8274
FAX: (204) 983-6317

Cornwall Professional Building

2125 – 11th Avenue
Room 103
Regina, Saskatchewan S4P 3X3
Tel: (306) 780-3422

10405 Jasper Avenue
Suite 520
Edmonton, Alberta T5J 3N4
Tel: (780) 495-3224

530-580 Hornby Street

Vancouver, British Columbia V6C 3B6
Tel: (604) 666-2111 – TDD: 666-0778
FAX: (604) 666-8322

Secretary General

This document is available in alternative format upon request, and may also be examined in PDF format or in HTML at the following Internet site: <http://www.crtc.gc.ca>