



## Broadcasting Notice of Public Hearing CRTC 2006-8

Ottawa, 1 August 2006

*The Commission will hold a public hearing commencing on 29 September 2006 at 9:30 a.m., at the Radisson Hotel Winnipeg Downtown, 288 Portage Avenue, Winnipeg, Manitoba. The deadline for filing of submissions is 5 September 2006. (Please note that the information pertaining to the matters referred to below is only available in the public examination file at the addresses listed in this Notice. However, submissions received from interested parties will be posted on the Commission's Web site.)*

The Commission has received complaints regarding **Harmony Broadcasting Corporation**, licensee of the instructional campus radio programming undertaking CJWV-FM Winnipeg, concerning its non-compliance with the station's conditions of licence included in *CJWV-FM Winnipeg- Licence renewal*, Broadcasting Decision CRTC 2004-340 and elements of the Campus Radio Policy as set out in Public Notice CRTC 2000-12.

In investigating the complaints and the licensee's responses, Commission staff in a letter dated 12 May 2005 requested the licensee to submit, by 31 May 2005, logger tapes and other related material broadcast by CJWV-FM for the week of April 17 to 23, 2005. The licensee failed to submit the requested material by the 31 May 2005 deadline.

Despite several telephone conversations with the licensee, whereby it was granted several extensions, and whereby the licensee committed to submit the requested material by 15 June 2005, the material was never received.

In a Commission staff letter dated 17 June 2005, the licensee was notified that its failure to provide the requested logger tapes and related material constituted a violation of Sections 8(4), 8(5) and 8(6) of the *Radio Regulations, 1986*.

Again the licensee was directed to submit the logger tapes and the list of all musical selections broadcast by CJWV-FM for the week of April 17 to 23, 2005. The information was received 20 June 2005.

Following the receipt of the requested information, Commission staff conducted an examination of the station's programming. Following this examination, in a letter to the licensee dated 25 October 2005, Commission staff noted that the licensee may have failed to comply with Section 2.2(8) of the *Radio Regulations, 1986* based on a shortfall in the broadcasting of Canadian content (category 2 music). The examination revealed an apparent level of 31% instead of the weekly regulatory minimum of 35%. In addition, the examination revealed shortfalls related to its following conditions of licence:

- the licensee was found to have broadcast a weekly level of 4.73% category 3 music instead of its weekly minimum condition of licence level of 5%;

- the licensee was found to have broadcast a weekly level of 0.83% news instead of its weekly minimum condition of licence level of 4%; and
- the absence of any formal educational programming despite its condition of licence to broadcast a minimum of two hours of such programming.

In an attempt to conduct a second examination of the station's programming, a Commission staff letter dated 6 February 2006 was sent to the licensee requesting the submission of logger tapes and other related material for the week of 29 January to 4 February 2006. While the requested material was to have been submitted to the Commission by 20 February 2006, it has never been received.

The licensee's failure to submit the requested material constitutes a violation of Sections 8 and 9 of the *Radio Regulations, 1986*.

In addition, the Commission also notes issues related to the licensee's compliance with its licence to operate an instructional campus radio programming undertaking and its fulfillment of the following elements of the Campus Radio Policy:

- that the station's Board of Directors include balanced representation from among the student body, the associated college or university, station volunteers, and from the community at large;
- the station's association with a post-secondary educational institution; and
- that the station's programming be alternative and complementary to not only that of commercial stations but also to that of community and other campus stations operating in the same location.

The Commission intends to inquire into, hear and determine these matters. Therefore, pursuant to section 12 of the *Broadcasting Act*, the Commission calls Harmony Broadcasting Corporation to a public hearing to be held at the Radisson Hotel Winnipeg Downtown, 288 Portage Avenue, Winnipeg, Manitoba commencing on 29 September 2006 at 9:30 a.m., to show cause why a mandatory order requiring the licensee to conform to the *Radio Regulations, 1986* concerning Canadian content and its conditions of licence regarding the broadcasting of category 3 music, news and formal educational programming should not be issued.

Information related to these matters may be found in the public examination file of this licensee, including copies of the complaints, the examination conducted as well as the licensee's response to these findings.

*Licensee's address:*

200-177 McDermot  
Winnipeg, Manitoba  
R3B 0S1  
Fax : 204-946-0717  
E-Mail : [thewave@shawcable.com](mailto:thewave@shawcable.com)

*Examination of documents:*

Kensington Building  
275 Portage Avenue  
Suite 1810  
Winnipeg, Manitoba  
Tel: 204-983-6306 - TDD: 204-983-8274  
Fax: 204-983-6317

[\[Broadcasting intervention/comments form\]](#)

## **Public Participation**

### **Deadline for Submissions**

**5 September 2006**

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

The submissions 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 submissions 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 submissions to the Secretary General of the Commission in **only one** of the following formats:

by using the  
[\*\*Broadcasting Intervention/Comments Form\*\*](#)

or

**by mail to**  
CRTC, Ottawa, Ontario K1A 0N2

or

**by fax at**  
819-994-0218

A true copy **must** be sent to the licensee and proof that this has been done must accompany the submissions 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 submissions are 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.

If you wish to appear at the public hearing, you must provide reasons why your written submissions 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 notice**

Note that all information that you provide as part of this public process, except information granted confidentiality, whether sent by postal mail, facsimile, e-mail or through the Commission's web site 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 web site. This information includes your personal information, such as your full name, e-mail address, postal/street address, telephone and facsimile number(s), and any other personal information you provide.

Documents received electronically or otherwise will be put on the Commission's web site in their entirety exactly as you send them, 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 personal information you 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.

### **Examination of Documents**

A list of all submissions will be available on the Commission's Web site. An electronic version of all submissions 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 this matter 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  
Toll free Telephone: 1-877-249-2782  
Toll-free TDD: 1-877-909-2782  
FAX: 819-994-0218

Kensington Building  
275 Portage Avenue, Suite 1810  
Winnipeg, Manitoba R3B 2B3  
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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>*