



Broadcasting Public Notice CRTC 2005-40

Ottawa, 29 April 2005

The Commission has received the following applications. The deadline for submission of interventions/comments is 3 June 2005.

Item Applicant and Locality

1. **Rogers Cable Communications Inc.**
Across Canada
2. **The Sports Network Inc.**
Across Canada
3. **Le Réseau des sports (RDS) inc.**
Across Canada
4. **Global Communications Limited**
Halifax, Nova Scotia
5. **Radio de la Baie Itée (CKLE-FM)**
Bathurst/Caraquet, New Brunswick
6. **Archambault Group Inc.**
Province of Quebec
7. **Radio communautaire intergénération Jardin du Québec, CHOC-FM**
Saint-Rémi, Quebec
8. **Rock 95 Broadcasting (Barrie-Orillia) Ltd. (CFJB-FM)**
Barrie, Ontario
9. **Rock 95 Broadcasting (Barrie-Orillia) Ltd. (CKMB-FM)**
Barrie, Ontario
10. **Briercrest Community Radio Inc. (CJOS-FM)**
Caronport, Saskatchewan
11. **Rawlco (Edmonton) Ltd.**
Edmonton, Alberta
12. **CKUA Radio Foundation (CKUA-FM-11)**
Fort McMurray, Alberta

1. **Across Canada**
Application No. 2004-1420-2

Application by **Rogers Cable Communications Inc.** to amend the licence of the video-on-demand programming undertaking known as Rogers on Demand (ROD).

The licensee proposes to add a condition of licence that would prohibit it from distributing programming that contains any commercial message except if the message is already included in a program previously aired by a Canadian television programming undertaking and is subsequently offered on an on-demand basis at no charge to the subscriber.

To this end, the licensee also proposes to amend the condition of licence that requires it to adhere to the *Pay Television Regulations, 1990*, (the regulations) in order to be relieved of section 3 (2)(d) of the regulations which prohibits it from distributing programming that contains any commercial message.

Rogers states that removing commercial messages from programming acquired from Canadian television broadcasters increases its operating costs.

Licensee'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 licensee's address

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2. **Across Canada**
Application No. 2004-1556-4

Application by **The Sports Network Inc.** to amend the licence of the national English-language specialty programming undertaking known as The Sports Network (TSN).

The licensee proposes to change the conditions of licence relating to its nature of service in order to permit it to broadcast programming from category 7 – drama and comedy. The licensee has also proposed a 15% limit on the amount of category 7 programming that may be aired in a broadcast week. All category 7 programming broadcast by the licensee would be sports-related.

In addition, the licensee seeks to delete the condition of licence which prohibits the distribution of feature length films about sports personalities.

The licensee also seeks amendments to its licence which would permit its participation in the English-language Canadian television drama incentives program (Broadcasting Public Notice CRTC 2004-93). The licensee proposes to add the following condition of licence:

In addition to the 12 minutes of advertising material during any clock hour in a broadcast day permitted by condition of licence, the licensee may broadcast such additional minutes of advertising material calculated in accordance with *Incentives for English-language Canadian television drama*, Broadcasting Public Notice CRTC 2004-93, 29 November 2004, as may be amended from time to time.

The licensee also proposes to add the following preamble to condition of licence number 3 in order to avail itself of the new flexibility with regard to Canadian program expenditure requirements set out in Broadcasting Public Notice CRTC 2004-93:

In accordance with the Commission's position on Canadian programming expenditures as set out in *New Flexibility With Regard to Canadian Program Expenditures by Canadian Television Stations*, Public Notice CRTC 1992-28, 8 April 1992, in *The Reporting of Canadian Programming Expenditures*, Public Notice CRTC 1993-93, 22 June 1993, in *Additional Clarification Regarding the Reporting of Canadian Programming Expenditures*, Public Notice CRTC 1993-174, 10 December 1993, and in *Incentives for English-language Canadian television drama*, Broadcasting Public Notice CRTC 2004-93, 29 November 2004, as may be amended from time to time.

Licensee's address:

9 Channel Court
Toronto, Ontario
M1S 4B5
Fax: (416) 332-4580
E-Mail: dspodek@ctv.ca

Examination of application:

At the licensee's address

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

3. **Across Canada**
Application No. 2004-1560-6

Application by **Le Réseau des sports (RDS) inc.** to amend the licence of the national French-language specialty programming undertaking known as Le Réseau des sports (RDS).

The licensee proposes to change the conditions of licence relating to its nature of service in order to permit it to broadcast programming from category 7 – drama and comedy. The licensee has also proposed a 15% limit on the amount of category 7 programming that may be aired in a broadcast week. All category 7 programming broadcast by the licensee would be sports-related.

The licensee also seeks amendments to its licence which would permit its participation in the French-language Canadian television drama incentives program (Broadcasting Public Notice CRTC 2005-8). The licensee proposes to add the following condition of licence:

In addition to the 12 minutes of advertising material during any clock hour in a broadcast day permitted by condition of licence, the licensee may broadcast such additional minutes of advertising material calculated in accordance with *Incentives for French-language Canadian television drama*, Broadcasting Public Notice CRTC 2005-8, 27 January 2005, as may be amended from time to time.

The licensee also proposes to add the following preamble to condition of licence number 2 in order to avail itself of the new flexibility with regard to Canadian program expenditure requirements set out in Broadcasting Public Notice CRTC 2005-8:

In accordance with the Commission’s position on Canadian programming expenditures as set out in *New Flexibility With Regard to Canadian Program Expenditures by Canadian Television Stations*, Public Notice CRTC 1992-28, 8 April 1992, in *The Reporting of Canadian Programming Expenditures*, Public Notice CRTC 1993-93, 22 June 1993, in *Additional Clarification Regarding the Reporting of Canadian Programming Expenditures*, Public Notice CRTC 1993-174, 10 December 1993, and in *Incentives for French-language Canadian television drama*, Broadcasting Public Notice CRTC 2005-8, 27 January 2005, as may be amended from time to time.

Licensee's address:

1755 René-Lévesque Boulevard East
 Montréal, Quebec
 H2K 4P6
 Fax: (514) 599-2299
 E-Mail: dsplodek@ctv.ca

Examination of application:

At the licensee’s address

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4. **Halifax, Nova Scotia**
Application No. 2005-0028-2

Application by **Global Communications Limited** (Global) for the use of frequency 105.1 MHz (channel 286 C) with an average effective radiated power of 32,000 watts (maximum effective radiated power of 45,000 watts/antenna height of 224.5 metres) for the operation of the FM radio programming undertaking approved in Broadcasting Decision CRTC 2004-515 *Easy Listening FM radio station in Halifax*, 26 November 2004.

The present application is filed in response to Broadcasting Decision CRTC 2004-515 in which the Commission stated that it would only issue a licence to Global if it submitted an application proposing the use of another FM frequency that is acceptable to both the Commission and the Department of Industry.

Applicant's address:

81 Barber Greene Road
 Toronto, Ontario
 M3C 2A2
 Fax: (416) 386-2779
 E-Mail: ttatto@globaltv.ca

Examination of application:

Global Television Network
 14 Akerley Boulevard
 Dartmouth, Nova Scotia

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5. **Bathurst/Caraquet, New Brunswick**
Application No. 2004-0698-5

Application by **Radio de la Baie ltée** relating to the licence of radio programming undertaking CKLE-FM Bathurst/Caraquet.

The licensee requests authority to broadcast a maximum of one hour and thirty minutes of English language programming each week.

The programming would consist of translations of French-language programs and information broadcast on the radio station. The licensee states that it would not broadcast English-language commercial messages.

Licensee's address:

195 Main Street
 Bathurst, New Brunswick
 E2A 1A7
 Fax: (506) 546-6611
 E-Mail: ckle@nbnet.nb.ca

Examination of application:

At the licensee's address

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6. **Province of Quebec**
Application No. 2004-1283-3

Application by **Archambault Group Inc.** (Archambault) to amend the licence of the video-on-demand programming undertaking known as Illico On Demand (Illico) (formerly Théâtre Archambault@la maison).

The licensee proposes to add a condition of licence that would prohibit it from distributing programming that contains any commercial message except if the message is already included in a program previously aired by a Canadian television programming undertaking and is subsequently offered on an on-demand basis at no charge to the subscriber.

To this end, the licensee also proposes to amend the condition of licence that requires it to adhere to the *Pay Television Regulations, 1990*, (the regulations) in order to be relieved of section 3 (2)(d) of the regulations which prohibits it from distributing programming that contains any commercial message.

Archambault states that removing commercial messages from programming acquired from Canadian television broadcasters increases its operating costs.

Licensee's address:

300 Viger Avenue East
 Montréal, Quebec
 H2X 3W4
 Fax: (514) 380-4664
 E-Mail: reglementaires@quebecor.com

Examination of application:

Groupe Archambault/Super Club Vidéotron ltée
 6455 Jean-Talon Street East
 Suite 500
 St-Léonard, Quebec

Quebecor Media inc.
 612 Saint-Jacques Street
 Montréal, Quebec

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7. **Saint-Rémi, Quebec**
Application No. 2004-1555-6

Application by **Radio communautaire intergénération Jardin du Québec, CHOC-FM** to renew the licence of the Type B community radio programming undertaking CHOC-FM Saint-Rémi expiring 31 August 2005.

The licensee proposes to amend its licence by deleting the current condition of licence stating that a minimum of 40% of the programming consist of spoken word programming. Consistent with the Community Radio Policy, Public Notice CRTC 2000-13, the licensee requests instead that it be required, by condition of licence, to devote, during each broadcast week, at least 25% of its programming to Spoken Word (content category 1) which is comprised of News (content subcategory 11) and Spoken Word - Other (content subcategory 12), with an emphasis on community-oriented spoken word, as defined in Public Notice CRTC 2000-14, as amended from time to time.

Licensee's address:

107 Chevrefils Street
 St-Rémi, Quebec
 J0L 2L0
 Fax: (450) 454-9435
 E-Mail: choc-fm@bellnet.ca

Examination of application:

At the licensee's address

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8. **Barrie, Ontario**
Application No. 2005-0083-6

Application by **Rock 95 Broadcasting (Barrie-Orillia) Ltd.** relating to the licence of radio programming undertaking CFJB-FM Barrie.

The licensee proposes to change the authorized contour by decreasing the average effective radiated power from 46,000 watts to 41,000 watts, by increasing the antenna height and by relocating the transmitter (maximum effective radiated power of 100,000 watts / antenna height of 303.5 metres).

The licensee wishes to increase the quality of the signal of the station. The licensee states that listeners have difficulty receiving the station in parts of the city.

The proposed antenna site is owned and operated by CHUM Limited.

Licensee's address:

400 Bayfield Street
 Suite 205
 Barrie, Ontario
 L4M 5A1
 Fax (705) 792-7858
 E-Mail: dbingley@rock95.com

Examination of application:

At the licensee's address

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9. **Barrie, Ontario**
Application No. 2005-0082-8

Application by **Rock 95 Broadcasting (Barrie-Orillia) Ltd.** (Rock 95) relating to the licence of radio programming undertaking CKMB-FM Barrie.

The licensee proposes to change the authorized contours by increasing the average effective radiated power from 17,000 watts to 20,000 watts, by increasing the antenna height to 303.5 metres and by relocating the transmitter.

The licensee wishes to increase the quality of the signal of the station and improve the service to residents of Barrie.

Rock 95 states that, as a result of the proposed changes noted above, it will not be implementing the change of frequency from 107.5 MHz (channel 298C1) to 107.7 MHz

(channel 299C1) which was approved in Broadcasting Decision CRTC 2004-363, 20 August 2004. The applicant indicates that utilization of its existing frequency from a new site in Barrie is a more efficient solution to its technical difficulties.

The proposed antenna site is owned and operated by CHUM Limited.

Licensee's address:

400 Bayfield Street
Suite 205
Barrie, Ontario
L4M 5A1
Fax : (705) 792-7858
E-Mail: dbingley@rock95.com

Examination of application:

At the licensee's address

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10. **Caronport, Saskatchewan**
Application No. 2004-1561-3

Application by **Briercrest Community Radio Inc.** (Briercrest) to renew the licence of the community-based campus radio programming undertaking CJOS-FM Caronport, expiring 31 August 2005.

Also the licensee proposes to amend its licence by replacing the following condition of licence :

The licensee shall devote, during each broadcast week, at least 25% of its programming to Spoken Word (content category 1) which is comprised of News (content subcategory 11) and Spoken Word – Other (content subcategory 12), as defined in Public Notice CRTC 2000-14, as amended from time to time.

With the following condition of licence:

The licensee shall devote, during each broadcast week, at least 15% of its programming to Spoken Word (content category 1) which is comprised of News (content subcategory 11) and Spoken Word – Other (content subcategory 12), as defined in Public Notice CRTC 2000-14, as amended from time to time.

Briercrest states that this amendment is necessary as the station operates in a small rural village with an effective radiated power of 5 watts and relies on a small volunteer base and a very modest budget to operate its station.

Licensee's address:

510 College Drive
Caronport, Saskatchewan
S0H 0S0
Fax: (306) 756-5533
E-Mail: cjos@briercrest.ca

Examination of application:

At the licensee's address

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11. **Edmonton, Alberta**
Application No. 2005-0141-2

Application by **Rawlco (Edmonton) Ltd.** (Rawlco) for the use of frequency 99.3 MHz (channel 257C1) with an effective radiated power of 100,000 watts (non-directional antenna/antenna height 148.4 metres) for the operation of the Specialty FM radio programming undertaking approved in Broadcasting Decision CRTC 2004-136 (Decision 2004-136) *Smooth jazz Specialty FM radio station in Edmonton*, 5 April 2004.

The present application is filed in response to Decision 2004-136 in which the Commission stated that it would only issue a licence to Rawlco if it submitted an application proposing the use of another FM frequency that is acceptable to both the Commission and the Department of Industry.

Applicant's address:

220, 2723 37th Avenue North East
Calgary, Alberta
T1Y 5R8
Fax: (403) 291-0037
E-Mail: grawlinson@rawlco.com

Examination of application:

10832 – 63 Avenue
Edmonton, Alberta

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12. **Fort McMurray, Alberta**
Application No. 2005-0050-6

Application by **CKUA Radio Foundation** relating to the licence of radio programming undertaking CKUA-FM Edmonton, Alberta.

The licensee proposes to change the authorized contour of its transmitter CKUA-FM-11 Fort McMurray by increasing the effective radiated power from 16 watts to 2,500 watts and by decreasing the antenna height to 74.1 metres.

The licensee wishes to have a protected channel. The licensee indicates that CKUA-FM is the broadcaster for the Province of Alberta's Emergency Public Warning System and that CKUA-FM-11 is no longer able to cover Fort McMurray adequately due to the rapid expansion of the area.

The contour of the station will be increased significantly and the status of the transmitter will change from a low power unprotected service to a regular Class A transmitter as a result of these proposed changes.

Licensee's address:

4th Floor
10526 Jasper Avenue
Edmonton, Alberta
T5J 1Z7
Fax: (780) 428-7624
E-Mail: radio@ckua.org

Examination of application:

The Regional Municipality of Wood Buffalo
9909 Franklin Avenue
Fort McMurray, Alberta

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Public Participation

Deadline for Interventions/Comments

3 June 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.

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 public notice

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.

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>