



Broadcasting Notice of Public Hearing CRTC 2007-1

Ottawa, 25 January 2007

The Commission will hold a public hearing commencing on 26 March 2007, 9:30 a.m., at the Conference Centre, Phase IV, 140 Promenade du Portage, Gatineau, Quebec, to consider the following applications. The deadline for submission of interventions/comments is 1 March 2007.

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

Item Applicant and locality

1. **Joco Communications Inc.**
Sudbury, Ontario
Application No. 2005-1365-7
2. **William Wrightsell, on behalf of a corporation to be incorporated**
Sudbury, Ontario
Application No. 2005-1491-0
3. **Newcap Inc.**
Sudbury, Ontario
Application No. 2006-0930-8
4. **Connelly Communications Corporation**
Sudbury, Ontario
Application No. 2006-1157-6
5. **Larche Communications Inc.**
Sudbury, Ontario
Application No. 2006-1161-7
6. **The Haliburton Broadcasting Group Inc., on behalf of a corporation to be incorporated**
Sudbury, Ontario
Application No. 2006-1177-4
7. **Avis de recherche inc. and All Points Bulletin Incorporated**
Across Canada
Application Nos. 2006-0508-2 and 2006-0509-0
8. **Faith and Spirit Media Inc.**
Across Canada
Application No. 2006-0766-6
9. **Astral Broadcasting Group Inc.**
Across Canada
Application No. 2006-1065-1
10. **YTV Canada, Inc.**
Across Canada
Application No. 2006-1069-3

11. **Canadian Broadcasting Corporation**
Across Canada
Application No. 2006-1070-1
12. **Canadian Broadcasting Corporation**
Across Canada
Application No. 2006-1071-8
13. **TV5 Québec Canada**
Across Canada
Application No. 2006-1073-4
14. **Pelmorex Communications Inc.**
Across Canada
Application No. 2006-1081-7
15. **Kenneth R. Schaffer, on behalf of a corporation to be incorporated**
Across Canada
Application No. 2006-1455-4
16. **CANAL, Corporation pour l'avancement de nouvelles applications des langages
Itée**
Across Canada
Application No. 2006-1566-9
17. **The National Broadcast Reading Service Inc., on behalf of a corporation to be
incorporated**
Across Canada
Application No. 2006-1579-2
18. **Diversity Television Inc., on behalf of a corporation to be incorporated**
Across Canada
Application No. 2007-0007-2
19. **Rogers Broadcasting Limited**
Across Canada
Application No. 2006-0453-9
20. **CJRN 710 Inc.**
Fort Erie, Ontario
Application No. 2005-0810-4
21. **The Canadian Documentary Channel Limited Partnership**
Across Canada
Application No. 2006-1118-8
22. **Davinder Jhattu, on behalf of a corporation to be incorporated**
Across Canada
Application No. 2006-1211-0
23. **Bhupinder Bola, on behalf of a corporation to be incorporated**
Across Canada
Application No. 2006-1215-2
24. **Fifth Dimension Properties Inc.**
Across Canada
Application No. 2006-1233-4

25. **CAB-K Broadcasting Limited**
Olds, Alberta
Application No. 2006-1273-0
26. **Chase and District Community Radio Society**
Chase, British Columbia
Application No. 2006-1588-3

PREAMBLE

SUDBURY, ONTARIO

For items 1 to 6

On 17 July 2006, the Commission issued Broadcasting Public Notice CRTC 2006-85, calling for applications for a broadcasting licence to carry on a radio programming undertaking to serve Sudbury, Ontario.

In response to this call, the Commission has received a number of applications for licence to serve this market.

Some of these applications are technically mutually exclusive. These applications are:

Items 1 and 2 are technically mutually exclusive proposing the use of the frequency 94.5 MHz.

Items 3 and 4 are technically mutually exclusive proposing the use of the frequency 101.1 MHz.

These applications, along with items 5 and 6, will be treated as competitive radio applications for Sudbury.

APPLICATIONS FOR DIGITAL BASIC CARRIAGE

Items 7 to 18

All broadcast distribution undertakings (BDUs) are required to offer a basic service to their subscribers. This obligation ensures that all subscribers have access to a core group of services. Through the *Broadcasting Distribution Regulations* (the Regulations) and its decisions regarding the basic service, the Commission has ensured that Canadians have access to priority television signals, together with other services that further important policy objectives under the *Broadcasting Act* (the Act). In addition, the Commission has required that certain specialty services be distributed as part of the basic service. Among other benefits, this has ensured that such services have access to a reasonably reliable revenue stream, thereby enabling them to meet their programming obligations.

The current distribution and linkage rules require Class 1 cable BDUs to distribute specialty services having dual status as part of the basic service, unless the service agrees to be carried on a discretionary tier. Eight specialty services are currently licensed as dual status services, namely MuchMusic, CBC Newsworld, Le Réseau de l'information (RDI), TV5, Vision TV, VRAK-TV, The Weather Network/Météomédia and YTV.

Acknowledging that the existing dual status designations do not necessarily reflect current priorities and may create competitive inequities between established specialty services, and

those that may have been licensed in more recent years, the Commission announced in *Digital migration framework*, Broadcasting Public Notice CRTC 2006-23, 27 February 2006, that, in a digital distribution environment, the dual status designations will cease to apply to the distribution of specialty services, effective 1st September 2007. At the same time, the Commission noted that there may be certain services for which basic carriage could be justified in a digital environment.

Given the Commission's determination to drop the dual status designations in the digital environment, the Commission determined that it would be appropriate to further consider the composition of the basic service in that environment and set out specific criteria, as summarized below. The Commission indicated that it was prepared to entertain, on an exceptional basis, applications for digital basic status. It further stated that such status would be accorded, if warranted, via distribution orders under section 9(1)(h) of the Act.

The Commission also indicated that the providers of existing dual services that wished to apply for digital basic status had to do so within six (6) months of the date of the publication of *Digital migration framework*. Seven (7) of the eight specialty services have chosen to do so. In addition, five (5) other services have applied for digital basic status, as set out in the sections that follow.

Of the five applications, three (3) applications are for new services. Each of these three applicants is seeking a new licence as well as mandatory carriage on basic. They are Kenneth R. Shaffer, on behalf of a corporation to be incorporated, the National Broadcast Reading Service Inc., on behalf of a corporation to be incorporated, and Diversity Television Inc., on behalf of a corporation to be incorporated.

The Commission intends to consider the issue of mandatory carriage on digital basic for all twelve (12) applications during the non-appearance phase of the public hearing.

The three (3) applicants seeking a new licence will be subject to an oral hearing where matters regarding their application for a new licence will be addressed. Subject to interventions, or request by applicants to make a brief presentation, the Commission does not intend for the eight (8) existing services to appear. The request by applicants to appear must be received by the Commission no later than February 2, 2007.

The Commission will consider all of these applications in light of the criteria set out in the *Digital migration framework*.

Criteria for digital basic carriage

As stated in the *Digital migration framework*, the Commission is of the view that the composition of the digital basic service should be informed by the policy objectives of the Act, with a view to ensuring that subscribers have access to a basic service that, among other things:

- fosters the growth of Canada's cultural, social, economic and political aims;
- is varied and comprehensive, providing a balance of information and entertainment programming, at an affordable cost;
- is drawn from local, regional, national and international sources;
- includes educational and community programs; and
- reflects and contributes to Canada's linguistic duality and ethno-cultural diversity, including the special place of Aboriginal peoples in Canadian society.

More specifically, any applicant seeking digital basic status must demonstrate that it meets the following criteria:

- the applicant must provide evidence demonstrating the exceptional importance of its service to the achievement of the objectives of the Act;
- the applicant must demonstrate that having digital basic status will enable its service to contribute in meaningful ways to fulfilling the policy objectives of the Act:
 - in particular, the applicant must demonstrate that the programming of its service makes a significant contribution to Canadian expression and reflects Canadian attitudes, opinions, ideas, values and artistic creativity;
 - the applicant must also demonstrate how the programming of its service contributes to the overall objectives for the basic service, as summarized above, and how it specifically contributes to one or more objectives of the Act, such as: Canadian identity and cultural sovereignty; ethno-cultural diversity, including the special place of Aboriginal peoples in Canadian society; service to and the reflection and portrayal of persons with disabilities; or linguistic duality (in the case of French-language services, this objective could be achieved, for example, through commitments to produce programming both inside and outside of Quebec);
- the applicant must demonstrate that its business plan and implementation of its specific commitments are dependent on receipt of broad national distribution on the digital basic service; and
- the applicant must demonstrate that the wholesale rate it is proposing would not make its service unaffordable to consumers (in the case of French-language services, this could be achieved, for example, through a lower wholesale rate outside of Quebec).

The Commission hereby invites comments on the applications set out in items 7 through 18 and on the extent to which they have demonstrated that they meet the criteria set out above.

Item 19

An application by Rogers Broadcasting Limited for a new national pay audio service will be heard as an appearing item.

Item 20

An application by CJRN 710 Inc. to renew the licence of the commercial FM radio programming undertaking CKEY-FM, Fort Erie and its transmitter CKEY-FM-1 St. Catherines will be heard as an appearing item. The licensee will be asked to show cause why a mandatory order should not be issued with respect to Commission concerns regarding the licensee's compliance with its condition of licence number 9.

Item 21

An application by The Canadian Documentary Channel Limited Partnership for authority to effect a change to the effective control of the national English-language Category 1 specialty programming undertaking and for a new licence to continue its operation. This application will be heard as an appearing item.

Items 22 to 26

The Commission intends to consider, subject to interventions, items 22 to 26 during the non-appearance phase of the public hearing.

1. **Sudbury, Ontario**
Application No. 2005-1365-7

Application by **Joco Communications Inc.** for a licence to operate an English-language FM commercial radio programming undertaking in Sudbury.

The new station would operate on frequency 94.5 MHz (channel 233A) with an effective radiated power of 1,350 watts (non-directional antenna/antenna height of 168.3 metres).

The applicant proposes to broadcast an oldies format with music mix consisting of hits, new and old jazz and blues, folklore music, early rock and roll, disco and retro 80s.

Applicant's address:

12006 Highway 17 East, Unit 7
 Sturgeon Falls, Ontario
 P2B 3K5
 Fax: 705-753-6776
 E-Mail: joco@bellnet.ca

Examination of application:

154 Unit A LaSalle Boulevard
 Sudbury, Ontario

2. **Sudbury, Ontario**
Application No. 2005-1491-0

Application by **William Wrightsell, on behalf of a corporation to be incorporated**, to be known as Nickelstar Broadcasting, for a licence to operate an English-language FM commercial radio programming undertaking in Sudbury.

The new station would operate on frequency 94.5 MHz (channel 233A) with an effective radiated power of 1,500 watts (non-directional antenna/antenna height of 108 metres).

The applicant proposes an Adult Contemporary and Older Adult Contemporary Standards music format.

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

Applicant's address:

68 Cranbrooke Avenue
 Toronto, Ontario
 M5M 1M4
 Fax: 807-346-5756
 E-Mail: wrightselladto@rogers.com

Examination of application:

Greater Sudbury Public Library
 74 MacKenzie Street
 Sudbury, Ontario

3. **Sudbury, Ontario**
Application No. 2006-0930-8

Application by **Newcap Inc.** for a licence to operate an English-language FM commercial radio programming undertaking in Sudbury.

The new station would operate on frequency 101.1 MHz (channel 266B) with an effective radiated power of 50,000 watts (non-directional antenna/antenna height of 120.9 metres).

The applicant proposes a Contemporary Hit Radio format.

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

Applicant's address:

745 Windmill Road
 Dartmouth, Nova Scotia
 B3B 1C2
 Fax: 902-468-5661
 E-Mail: mmaheu@ncc.ca

Examination of application:

493B Barrydowne Road
 Sudbury, Ontario

4. **Sudbury, Ontario**
Application No. 2006-1157-6

Application by **Connelly Communications Corporation** for a licence to operate an English-language commercial radio programming undertaking in Sudbury.

The new station would operate on frequency 101.1 MHz (channel 266C1) with an effective radiated power of 66,000 watts (non-directional antenna/antenna height of 127 metres).

The applicant is proposing to operate a Hot Adult Contemporary (Hot AC) music format.

Applicant's address:

5 Kirkland Street
Kirkland Lake, Ontario
P2N 1N9
Fax: 705-567-6101
E-Mail: robin@cjklfm.com

Examination of application:

1190 Kingsway
Sudbury, Ontario

5. **Sudbury, Ontario**
Application No. 2006-1161-7

Application by **Larche Communications Inc.** for a licence to operate an English-language FM commercial radio programming undertaking in Sudbury.

The new station would operate on frequency 91.7 MHz (channel 219B) with an effective radiated power of 50,000 watts (non-directional antenna/antenna height of 120.9 metres).

The applicant proposes to operate a country music format.

Applicant's address:

355 Cranston Crescent
Midland, Ontario
L4R 4L3
Fax: 705-526-3060
E-Mail: plarche@kicx_fm.com

Examination of application:

Greater Sudbury Public Library
74 Mackenzie Street
Sudbury, Ontario

6. **Sudbury, Ontario**
Application No. 2006-1177-4

Application by **The Haliburton Broadcasting Group Inc., on behalf of a corporation to be incorporated**, for a licence to operate an English-language commercial FM radio programming undertaking in Sudbury.

The new station would operate on frequency 88.5 MHz (channel 203C) with an effective radiated power of 50,000 watts (non-directional antenna/antenna height of 145 metres).

The applicant is proposing to operate a new easy listening music format. The format would feature a blend of adult standards, soft Adult Contemporary and pop instrumentals plus some light classical, jazz and folk and roots music.

Applicant's address:

46 Nanton Avenue
Toronto, Ontario
M4W 2Y9
Fax: 416-925-6256
E-Mail: cgrossman@hbgradio.com

Examination of application:

493B Barrydowne Road
Sudbury, Ontario

7. **Across Canada**
Application Nos. 2006-0508-2 and 2006-0509-0

Applications by **Avis de recherche inc. and All Points Bulletin Incorporated** for the mandatory distribution on digital basic of the national specialty programming undertakings known as Avis de Recherche and All Points Bulletin.

The applicants have requested that the Commission issue a mandatory distribution order under section 9(1)(h) of the *Broadcasting Act* for basic digital distribution requiring all Class 1 and 2 broadcasting distribution undertakings (BDUs) and direct-to-home satellite undertakings to distribute “Avis de Recherche” and All Points Bulletin, in accordance with the market language or the subscriber.

The applicants propose a monthly wholesale rate for “Avis de Recherche” of \$0.08 for the

Francophone markets and \$0.01 for the Anglophone markets.
The applicants propose a monthly wholesale rate for All Points Bulletins of \$0.06 for the Anglophone markets and \$0.01 for the Francophone markets.

Applicants' address:

9203 St-Laurent Boulevard, Suite 201
Montréal, Quebec
H2N 1N2
Fax: 514-376-1213
E-Mail: vincent@aviderecherche.tv

Examination of application:

At the applicants' address

8. **Across Canada**
Application No. 2006-0766-6

Application by **Faith and Spirit Media Inc.** for the mandatory distribution on digital basic of the national specialty programming undertaking known as VisionTV.

The applicant has requested that the Commission issue a distribution order under section 9(1)(h) of the *Broadcasting Act* requiring all Class 1 and 2 and direct-to-home satellite undertakings in Anglophone markets to distribute VisionTV on digital basic. The applicant also indicated that should the Commission determine it appropriate to also grant mandatory distribution in Francophone markets as well, VisionTV would welcome such an order.

The applicant proposes to maintain its existing monthly wholesale rate of \$0.12 in Anglophone markets and proposes a maximum monthly wholesale rate of \$0.03 in Francophone markets.

If this application is approved, the applicant proposes to invest 100% of the revenue it receives from subscriber fees in Canadian programming.

Applicant's address:

80 Bond Street
Toronto, Ontario
M5B 1X2
Fax: 416-368-9774
E-Mail: bkostandoff@s-vox.com

Examination of application:

At the applicant's address

9. **Across Canada**
Application No. 2006-1065-1

Application by **Astral Broadcasting Group Inc.** for the mandatory distribution on digital basic of the national specialty programming undertaking known as VRAK.TV.

The applicant has requested that the Commission issue a distribution order under section 9(1)(h) of the *Broadcasting Act* requiring all Class 1 and 2 and direct-to-home satellite undertakings operating in Francophone and Anglophone markets to distribute VRAK.TV on digital basic.

The applicant proposes to maintain its existing monthly wholesale rate of \$0.60 for subscribers residing in Quebec and \$0.05 for Canadian subscribers outside Québec.

The applicant also proposes to contribute at least 5 million dollars during the license period as a whole, from 1st September 2008 to 31 August 2013 (an average of 1 million dollar per year) to the development and the procurement of Canadian productions or co-productions by independent Canadian producers based outside Quebec.

Applicant's address:

2100 St. Catherine West, Suite 700
Montréal, Quebec
H3H 2T3
Fax: 514-939-3136
E-Mail: proy@chaines.astral.com

Examination of application:

At the applicant's address

10. **Across Canada**
Application No. 2006-1069-3

Application by **YTV Canada, Inc.** for the mandatory distribution on digital basic of the national specialty programming undertaking known as YTV.

The applicant has requested that the Commission issue a distribution order under section 9(1)(h) of the *Broadcasting Act* requiring all Class 1 and 2 and direct-to-home satellite undertakings to distribute YTV on digital basic.

The applicant proposes to maintain its existing monthly wholesale rate of \$0.35 in Anglophone markets and \$0.09 in Francophone markets.

Applicant's address:

BCE Place
181 Bay Street, Suite 1630
Toronto, Ontario
M5J 2T3
Fax: 416-642-3770
E-Mail: gary.mavaara@corusent.com

Examination of application:

At the applicant's address

11. **Across Canada**
Application No. 2006-1070-1

Application by **Canadian Broadcasting Corporation** for the mandatory distribution on digital basic of the national specialty programming undertaking known as CBC Newsworld.

The applicant has requested that the Commission issue a distribution order under section 9(1)(h) of the *Broadcasting Act* requiring all Class 1 and 2 and direct-to-home satellite undertakings to distribute CBC Newsworld on digital basic.

The applicant proposes to maintain its existing monthly wholesale rate of \$0.63 in Anglophone markets and \$0.15 in Francophone markets.

Applicant's address:

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

Examination of application:

At the applicant's address

CBC
Reception
1400 René-Lévesque Blvd. East
Montréal, Quebec

CBC
Reception

25 John Street
Toronto, Ontario

12. **Across Canada**
Application No. 2006-1071-8

Application by the **Canadian Broadcasting Corporation** for the mandatory distribution on digital basic of the national specialty programming undertaking known as “Réseau de l’information” (RDI).

The applicant has requested that the Commission issue a distribution order under section 9(1)(h) of the *Broadcasting Act* requiring all Class 1 and 2 and direct-to-home satellite undertakings operating in Anglophone and Francophone markets to distribute RDI on digital basic.

The applicant proposes to maintain its existing monthly wholesale rate of \$0.10 in Anglophone markets and \$1.00 in Francophone markets.

Applicant's address:

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

Examination of application:

At the applicant’s address

CBC
Reception
1400 René-Lévesque Blvd. East
Montréal, Quebec

CBC
Reception
25 John Street
Toronto, Ontario

13. **Across Canada**
Application No. 2006-1073-4

Application by **TV5 Québec Canada** for the mandatory distribution on digital basic of the national specialty programming undertaking known as TV5.

The applicant has requested that the Commission issue a distribution order under section 9(1)(h) of the *Broadcasting Act* requiring all Class 1 and 2 and direct-to-home satellite undertakings operating in Francophone and Anglophone markets to distribute TV5 on digital basic.

The applicant proposes to maintain its existing monthly wholesale rate of \$0.28 for subscribers residing in Quebec and propose a monthly wholesale rate of \$0.06 Canadian subscribers outside Quebec.

The applicant also proposes to contribute, at the start of its 2008-2009 broadcasting year, at least 20% of its broadcasting distribution to Canadian programs during the day and at least 15% during the broadcasting period in the evening.

The applicant also commits, at the start of its 2008-2009 broadcasting year, at least 20% of the total expenditures for obtaining Canadian programs, including amounts spent on investments and on broadcasting rights, on acquiring programs in its original French language. At least 50% of that amount would be committed to programs produced outside Quebec.

Applicant's address:

1755, René-Lévesque Blvd. East, Suite 101
 Montréal (Quebec)
 H2K 4P6
 Fax : 514-522-6572
 E-mail : suzanne.gouin@tv5.ca

Examination of application:

At the applicant's address

14. **Across Canada**
Application No. 2006-1081-7

Application by **Pelmorex Communications Inc.** for the mandatory distribution on digital basic of the national specialty programming undertakings known as The Weather Network and "MétéoMédia".

The applicant has requested that the Commission issue a distribution order under section 9(1)(h) of the *Broadcasting Act* requiring all Class 1 and 2 broadcasting distribution undertakings and direct-to-home satellite undertakings operating in Anglophone markets to distribute The Weather Network on digital basic, and all such undertakings operating in

Francophone markets to distribute “MétéoMédia” on digital basic.

If the application is approved, the applicant also proposes to reduce its existing wholesale rate from \$0.23 to \$0.20 in both the Anglophone and Francophone markets by the year 2010.

Applicant's address:

2655 Bristol Circle
Oakville, Ontario
L6H 7W1
Fax: 905-829-5800
E-Mail: ptemple@pelmorex.com

Examination of application:

At the applicant's address

15. **Across Canada**
Application No. 2006-1455-4

Application by **Kenneth R. Schaffer, on behalf of a corporation to be incorporated**, for a licence to operate a national digital English-language specialty programming undertaking to be known as Métis Michif Television Network (MMTN).

The proposed service will be devoted to programming exploring the concerns, preserving the culture, languages and heritage of the Métis people.

The applicant proposes to offer programming from the following categories: 1, 2(a), 2(b), 3, 4, 5(a), 5(b), 6(a), 6(b), 7(a), 7(b), 7(c), 7(d), 7(e), 7(f), 7(g), 8(a), 8(b), 8(c), 9, 10, 11, 12, 13 and 14 as set out in Schedule I of the *Specialty Services Regulations, 1990*.

The applicant is also seeking mandatory distribution of the service on digital basic.

The applicant has requested that the Commission issue a distribution order under section 9(1)(h) of the *Broadcasting Act* requiring all Class 1 and 2 and direct-to-home satellite undertakings to distribute the Métis Michif Television Network on digital basic.

The applicant proposes a wholesale rate of \$0.15 in all markets.

The applicant also proposes a 16-hour broadcast day with a minimum of 80% Canadian content programming each broadcast day in the initial broadcast year, increasing to 90% by

year four. It proposes, at a minimum, to broadcast six hours of Canadian priority programming in each broadcast week, increasing to eight hours by year three. It also commits to devote up to \$2 million annually towards priority programming and up to \$50,000 a year in program development funds for priority programming.

The applicant intends to devote 35 hours each broadcast week to Métis and other Aboriginal programming. It is committed to airing 18 hours of French-language programming each broadcast week, increasing to 20 hours by the end of term.

The applicant further states that although MMTN intends to spend up to \$500,000 each year to support new Aboriginal independent productions, its program acquisition budget will be over \$8 million each year.

Applicant's address:

136 Milne Street
Regina, Saskatchewan
S4R 5B7
Fax: 306-543-4906
E-Mail: metcom@sasktel.net

Examination of application:

Saskatchewan Communications Network
2440 Broad Street, Suite E 313
Regina, Saskatchewan

16. **Across Canada**
Application No. 2006-1566-9

Application by **CANAL, Corporation pour l'avancement de nouvelles applications des langages Itée** to modify the broadcasting licence of the programming undertaking television station known as CFTU-TV (Canal Savoir).

The licensee requested that the Commission issue a distribution order under section 9(1)(h) of the *Broadcasting Act*, requiring that all authorized and exempted distribution undertakings serving Quebec distribute Canal Savoir, and that all distribution undertakings, including cable, direct-to-home satellite, multipoint distribution system and digital subscriber line radiocommunication distribution undertakings, offering a digital televisual service outside Quebec and to distribute Canal Savoir in digital model.

Furthermore, the licensee requested that the Commission encourage analog service distribution undertakings of class 1 and 2 to distribute Canal Savoir outside Quebec.

The licensee proposes a wholesale rate of \$0.14 a month beginning September 1, 2007, rising to \$0.16 a month per subscriber on September 1, 2009, when distribution is in Quebec and a

wholesale rate of \$0.02 a month per subscriber when distribution is in digital mode outside Quebec.

The licensee also plans to substantially enhance its television programming if the present application is approved by the Commission.

Licensee's address:

4750 Henri-Julien Avenue
Suite 100 (local R-200)
Montréal, Quebec
H2T 3E4
Fax: 514-841-0822
E-Mail: sgodbout@canal.qc.ca

Examination of application:

At the licensee's address

17. **Across Canada**
Application No. 2006-1579-2

Application by **The National Broadcast Reading Service Inc., on behalf of a corporation to be incorporated**, for a licence to operate a national digital programming undertaking to be known as The Accessible Channel.

The proposed service will provide 100% of its programming in described video format. This programming will consist of news, information, drama, entertainment, other television programming targeted to blind, and vision impaired Canadians.

The applicant proposes to offer programming from the following categories: 1, 2(a), 2(b), 3, 4, 5(a), 5(b), 6(a), 6(b), 7(a), 7(b), 7(c), 7(d), 7(e), 7(f), 7(g), 8(a), 8(b), 9, 10, 11, 12, 13 and 14 as set out in Schedule I of the *Specialty Services Regulations, 1990*.

The applicant is also seeking mandatory distribution of the service on digital basic.

The applicant has requested that the Commission issue a distribution order under section 9(1)(h) of the *Broadcasting Act* requiring all Class 1 and 2 and direct-to-home satellite undertakings to distribute The Accessible Channel on digital basic.

The applicant proposes a monthly wholesale rate of \$0.20 in all markets, whether Anglophone or Francophone.

The applicant also proposes the following minimum levels of Canadian content based on an 18-hour broadcast day: 60% during the broadcast day and 50% between 6:00 p.m. and

midnight.

Applicant's address:

1090 Don Mills, Suite 303
Toronto, Ontario
M3C 3R6
Fax: 416-422-1633
E-Mail: bxt1@nbrscanada.com

Examination of application:

At the applicant's address and;

Online at: www.nbrscanada.com and www.voiceprintcanada.com

18. **Across Canada**
Application No. 2007-0007-2

Application by **Diversity Television Inc., on behalf of a corporation to be incorporated** for a license to operate a Category 1 national digital undertaking to be known as CANADA ONE TV.

The proposed service will be a national English-language digital specialty programming service that will focus on Canada's ethno-culturally diverse multicultural and multiracial society, with a particular emphasis on popular drama programming. The programming on CANADA ONE TV will reflect multicultural and multiracial themes and values, originate from ethno-culturally diverse sources, or be targeted to an ethno-culturally diverse, mainstream audience.

The applicant proposes to offer programming from the following categories: 2(a), 2(b), 5(a), 5(b), 7(a), 7(b), 7(c), 7(d), 7(e), 7(f), 7(g), 8(a), 8(c), 9, 11, 12, 13, 14 as set out in Schedule I of the *Specialty Services Regulations, 1990*.

The applicant proposes a monthly wholesale rate of \$0.50 in all markets.

The applicant also proposes the following minimum levels of Canadian content based on an 18-hour broadcast day: 50% during the broadcast day and 50% between 6:00 p.m. and midnight for the first three years, and 50% during the broadcast day and 60% between 6:00 p.m. and midnight for the remaining 4 years of the licence term.

Applicant's address:

842 King Street West
 Toronto, Ontario
 M5V 1P1
 Fax: 416-368-5234
 E-mail: alfons.adetuyi@innercityfilms.ca

Examination of application:

At the applicant's address

19. **Across Canada**
Application No. 2006-0453-9

Application by **Rogers Broadcasting Limited** (Rogers) for a licence to operate a national pay audio programming undertaking to be known as Rogers Pay Audio.

The applicant states that the programming will consist of a minimum of 30 audio channels, in a wide variety of music formats.

Rogers has indicated its intention to derive 60-70% of its programming from category 2 musical selections. The remainder would be derived from oldies, ethnic, and specialty (classical, world beat and jazz) music as well as children's programming.

This application was first scheduled to be heard at a public hearing on 30 October 2006 (Notice of Public Hearing CRTC 2006-9, 31 August 2006) but was withdrawn by the Commission upon receipt of interventions.

The Commission will consider the interventions already received, accepted and filed on the public file for the 30 October 2006 hearing as well as other interventions received in the context of this public hearing.

Applicant's address:

777 Jarvis Street, 5th Floor
 Toronto, Ontario
 M4Y 3B7
 Fax: 416-935-8203
 E-Mail: info@rogers.com

Examination of application:

Rogers Media Inc.
 333 Bloor Street East, 6th Floor
 Toronto, Ontario

20. **Fort Erie, Ontario**
Application No. 2005-0810-4

Application by **CJRN 710 Inc.** to renew the licence of the commercial radio programming undertaking CKEY-FM Fort Erie and its transmitter CKEY-FM-1 St. Catharines, expiring

30 June 2007.

The applicant was issued a one-year short term renewal in Decision CRTC 2005-29. Further, the Commission noted concerns related to CJRN's compliance with condition of licence number 9 and that it was not satisfied with the level of local service provided by CJRN to the Fort Erie market it is licensed to serve.

Following monitoring of CKEY-FM's programming for the weeks of 29 May to 4 June 2005 and 26 February to 4 March 2006, the Commission remains concerned that CKEY-FM may be operating in a continued breach of condition of licence number 9 due to the level of local Fort Erie oriented programming broadcast on CKEY-FM during the weeks monitored.

The Commission intends to inquire into this matter at the hearing. The Commission expects the licensee to show cause at this hearing why a mandatory order should not be issued requiring the licensee to provide a sufficient level of local Fort Erie oriented programming to be deemed operating in compliance with its condition of licence number 9.

Licensee's address:

4668 St. Clair Avenue
Niagara Falls, Ontario
L2E 6X7
Fax: 905-356-0644
E-Mail: ddancy@niagara.com

Examination of application:

At the licensee's address

21. **Across Canada**
Application No. 2006-1118-8

Application by **The Canadian Documentary Channel Limited Partnership**, on behalf of the partners of The Canadian Documentary Channel Limited Partnership (CDC LP) (collectively the applicant), for authority to effect a change to the effective control of the national English-language Category 1 specialty programming undertaking known as The Canadian Documentary Channel, and for a new licence to continue its operation.

This transaction will be effected through the acquisition by the Canadian Broadcasting Corporation (CBC), a general partner of CDC LP, of the 53% CDC LP partnership interest held by YTV Canada, Inc. (YTV), the other general partner. As a result, CBC's partnership interest will increase from 29% to 82% and the effective control of the undertaking will be changed from Corus, the parent corporation of YTV, to CBC.

The applicant is requesting the issuance of a new licence to the remaining partners after the above transaction, being the Canadian Broadcasting Corporation (the general partner),

3366341 Canada Inc., Barna-Alper Productions Inc., CineNova Productions Inc., National Film Board of Canada and Omni Film Productions Ltd. (the limited partners), carrying on business as The Documentary Channel Limited Partnership, to continue the operation of the undertaking under the same terms and conditions as those set out in Decision CRTC 2000-455 and as amended in Broadcasting Decision CRTC 2004-422, upon surrender of the current licence.

This application was first scheduled to be heard at a public hearing which will be held on 29 January 2007 (Notice of Public Hearing CRTC 2006-12, 30 November 2006) but was withdrawn by the Commission upon receipt of interventions.

The Commission will consider the interventions already received, accepted and filed on the public file for the 29 January 2007 hearing as well as other interventions received in the context of this public hearing.

Applicant's address:

BCE Place
1630-181 Bay Street
Toronto, Ontario
M5J 2T3
Fax: 416-642-3779
E-Mail: gary.maavara@corusent.com

Examination of application:

At the applicant's address

181 Queen Street
Ottawa, Ontario

22. **Across Canada**
Application No. 2006-1211-0

Application by **Davinder Jhattu, on behalf of a corporation to be incorporated**, for a licence to operate a national ethnic third-language Category 2 digital specialty programming undertaking to be known as Jyot Movies.

The applicant states that the programming would be targeted to the Punjabi community and would consist of a variety of Indian Punjabi music and movies programming, music/movie news, general interest and Indian Punjabi music video clips both modern and traditional.

The applicant proposes to offer programming from the following categories: 2(b), 7(a), 7(c), 7(d), 7(e), 7(f), 7(g), 8(a), 8(b), 8(c), 9, 10, 11, 12, 13 and 14 as set out in Schedule I of the *Specialty Services Regulations, 1990*.

The applicant proposes to broadcast not less than 90% of its programming in the Punjabi language during the broadcast week.

The applicant requests that, of the 12 minutes of advertising material permitted during each clock hour, it be authorized to broadcast up to six minutes of local advertising.

Applicant's address:

61, Trailside Walk
Brampton, Ontario
L6S 6H6
Fax: 905-799-7753
E-Mail: j_davinder@hotmail.com

Examination of application:

At the applicant's address

23. **Across Canada**
Application No. 2006-1215-2

Application by **Bhupinder Bola, on behalf of a corporation to be incorporated**, for a licence to operate a national English language Category 2 specialty ethnic programming undertaking to be known as The Filipino "E" Channel (FEC).

The applicant states that the programming would be 100% targeted to the Filipino community in Canada.

The applicant proposes to offer programming from the following categories: 1, 2(a), 2(b), 3, 4, 5(a), 5(b), 6(a), 6(b), 7(a), 7(b), 7(c), 7(d), 7(e), 7(f), 7(g), 8(a), 8(b), 8(c), 9, 10, 11, 12, 13 and 14 as set out in Schedule I of the *Specialty Services Regulations, 1990*.

The applicant proposes to broadcast all of its programming in the English language.

The applicant requests that, of the 12 minutes of advertising material permitted during each clock hour, it be authorized to broadcast up to six minutes of local advertising.

Applicant's address:

80 Carlauren Road, Suite 23
Woodbridge, Ontario
L4L 7Z5
Fax: 905-851-5108
E-Mail: pipbola@rogers.com

Examination of application:

At the applicant's address

24. **Across Canada**
Application No. 2006-1233-4

Application by **Fifth Dimension Properties Inc.** for a licence to operate a national English-language Category 2 specialty programming undertaking to be known as PENTHOUSE TV.

The applicant states that the programming would consist exclusively of adult entertainment and would be devoted to feature driven couples-oriented adult entertainment, including both amateur and professional actors simulating amateur performances.

The applicant proposes to offer programming from the following categories: 7(c), 7(d), 7(e), 7(g), 12 and 14 as set out in Schedule I of the *Specialty Services Regulations, 1990*.

Applicant's address:

2211 Thurston Drive, Suite 200
 Ottawa, Ontario
 K1G 6C9
 Fax: 613-737-0377
 E-Mail: sduncan@5d.com

Examination of application:

At the applicant's address

25. **Olds, Alberta**
Application No. 2006-1273-0

Application by **CAB-K Broadcasting Limited** for a licence to operate an English-language FM commercial radio programming undertaking in Olds.

The new station would operate on frequency 104.5 MHz (channel 283B) with an effective radiated power of 12 000 watts (non-directional antenna/antenna height of 93.4 metres).

The applicant proposes to broadcast a pop/rock music format.

Applicant's address:

4526 49th Avenue, No. 6
 Olds, Alberta
 T4H 1A4
 Fax: 403-556-2637
 E-Mail: cklj@telus.net

Examination of application:

At the applicant's address

26. **Chase, British Columbia**
Application No. 2006-1588-3

Application by **Chase and District Community Radio Society** to acquire the assets of the English-language developmental community FM radio programming undertaking CFCH Chase from Chase and District Lions Community Club.

The applicant is also requesting a licence to continue the operation of the undertaking under the same terms and conditions as those in effect under the current licence.

Applicant's address:

Post Office Box 1197
Chase, British Columbia
VOE 1M0
Fax: 250-679-3219
E-Mail: ronfair@cablelan.net

Examination of application:

834 Okanagan Avenue
Chase, British Columbia

Rear Mezzanine
320 Shepherd Street
Chase, British Columbia

Digital Basic Carriage

The request to appear by applicants of items 7 to 18 must be received by the Commission no later than:

2 February 2007

Public Participation

Deadline for interventions/comments

1 March 2007

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

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 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, 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

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
 Toll free Telephone: 1-877-249-2782
 Toll-free TDD: 1-877-909-2782
 FAX: 819-994-0218

Metropolitan Place
 99 Wyse Road
 Suite 1410
 Dartmouth, Nova Scotia B3A 4S5
 Tel: 902-426-7997
 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: 204-983-8274
 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: 604-666-0778

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>