



Broadcasting Public Notice CRTC 2006-49

Ottawa, 12 April 2006

The Commission has received the following applications. The deadline for submission of interventions/comments is 17 May 2006.

Item Applicant and Locality

1. **Sur Sagar Radio Inc.**
Toronto, Ontario
2. **Cogeco Cable Canada Inc. and Cogeco Cable Quebec Inc.**
Various locations in Ontario and Quebec

1. **Toronto, Ontario** **Application No. 2006-0145-2**

Application by **Sur Sagar Radio Inc.** to amend the licence of its transitional digital radio programming undertaking at Toronto which was approved in *Stand-alone ethnic transitional digital radio undertaking in Toronto*, Broadcasting Decision CRTC 2003-118, 17 April 2003.

Sur Sagar proposes to replace the condition of licence relating to the operational date of the undertaking which reads:

14. The undertaking must be operational at the earliest possible date and in any event no later than 31 March 2006.

with the following condition:

14. The undertaking must be operational at the earliest possible date and in any event no later than 31 March 2007.

The current application represents the third request for an extension of the time limit to commence the operation of this undertaking.

The Commission approved the first request for an extension of the time limit to 17 April 2005 in Broadcasting Decision CRTC 2004-190, dated 27 May 2004. The second request for an extension of the time limit to 31 March 2006 was approved in Broadcasting Decision CRTC 2005-410 dated 16 August 2005.

Licensee's address:

130 Westmore Drive
 Unit 2
 Toronto, Ontario
 M9V 5E2
 Fax: (416) 741-3557
 E-Mail: surradio@netrover.com

Examination of application:

At the licensee's address

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

2. **Cogeco Cable Canada Inc.**
 Various locations in Ontario

Cogeco Cable Quebec Inc.
 Various locations in Quebec

Application No. 2006-0271-5

Application by **Cogeco Cable Canada Inc. and Cogeco Cable Quebec Inc.** (collectively, Cogeco) to amend the licences of its Class 1, 2 and 3 cable broadcasting distribution undertakings in Ontario and Quebec.

The licensee proposes to amend its condition of licence relating to the use of local availabilities, which read:

The licensee may, at its option, insert certain promotional material as a substitute for the "local availabilities" (i.e. non-Canadian advertising material) of non-Canadian satellite services. At least 75% of these local availabilities must be made available for use by licensed Canadian programming services for the promotion of their respective services, for the promotion of the community channel and for unpaid Canadian public service announcements. A maximum of 25% of the commercial availabilities may be made available for the promotion of discretionary programming services and packages, customer service information, channel realignments, cable FM service and additional cable outlets.

Cogeco requests that this condition of licence be amended so as to authorize it to use 25% of the local availabilities in non-Canadian satellite services currently used to promote discretionary services, etc., in order to promote non-programming services, including its telephone and Internet services and "bundles" that include these non-programming services.

Cogeco submitted that this proposed change to its conditions of licence will improve its ability to compete in the current communications market.

The Commission notes that it recently issued Broadcasting Public Notice CRTC 2005-88 in which it rejected a request by the Canadian Cable Telecommunications Association (CCTA) to permit the use of local availabilities for commercial advertising. The CCTA had also requested that broadcasting distribution undertakings be permitted to use local availabilities to promote non-programming services in a manner similar to that proposed by the licensee in this application. The Commission rejected the CCTA proposal in that context and considered that the CCTA had failed "to make a compelling case under the Act to justify the use by cable BDUs of local availabilities ... for the promotion of telephony or other non-programming services." Parties may wish to refer to Broadcasting Public Notice CRTC 2005-88 in formulating their comments in this proceeding.

Licensee's address:

Cogeco Câble Canada Inc.
5, Place Ville Marie
Suite 915
Montréal, Quebec
H3B 2G2
Fax: (514) 874-2625

Examination of application:

At the licensee's address.

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

Public Participation

Deadline for Interventions/Comments

17 May 2006

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 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.

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Gatineau, Quebec K1A 0N2
Tel: (819) 997-2429 – TDD: 994-0423
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FAX: (902) 426-2721

205 Viger Avenue West
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55 St. Clair Avenue East, Suite 624
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275 Portage Avenue, Suite 1810
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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>