



Canadian Association of Broadcasters
Association canadienne des radiodiffuseurs

February 10, 2010

Via Epass

Mr. Robert A. Morin
Secretary General
Canadian Radio-television and
Telecommunications Commission
Ottawa, Ontario
K1A 0N2

Dear Mr. Morin:

Re: **Broadcasting and Telecom Notice of Consultation CRTC 2009-803 – (BNC 2009-803),
Item 1 – Application No. 2008-0203-4 – Application by MÉDIAdENOVO Inc. for a
broadcasting licence to operate a national, English language programming undertaking**

1. The Canadian Association of Broadcasters (CAB) is in receipt of the reply argument of MÉDIAdENOVO Inc. (MÉDIAdENOVO) filed February 8, 2010.
2. The CAB has reviewed MÉDIAdENOVO's reply argument and notes the inclusion of a study commissioned by Mediabrands entitled "*US Specialty Television in Canada: A study on the implications of selling the local avails*". The CAB notes that the study was prepared by Mediabrands Canada, the holding company of Interpublic Group's (IPG) media-based assets in Canada, including M2 Universal and Initiative, two of the largest media traders in Canada. The CAB respectfully submits that the Mediabrands study constitutes new evidence contrary to the provisions in section 8 of the *CRTC rules of procedure*.
3. The CAB specifically noted in its comments in response to MÉDIAdENOVO's application the complete lack of any evidence or impact study to substantiate its claims regarding the impact of its proposal to the broadcasting system. To file a comprehensive study coincident with its reply argument constitutes a breach of process, which should not be encouraged by the Commission.
4. Because the Commission announced in BNC 2009-803 that MÉDIAdENOVO's application will be treated as a non-appearing item, filing this study in the reply stage denies stakeholders the opportunity to assess and counter the underlying logic and assumptions used in the study. Parties are also prevented from challenging the conclusions reached by the study and the supporting rationale.

5. Therefore, as a matter of procedural fairness, the CAB respectfully requests that the Commission provide interested parties an opportunity to comment on the new study filed coincident with the MÉDIAdéNOVO reply argument. Given the number of charts and tables contained in the seventy-six page study, parties should have sufficient time to analyze and evaluate the data provided and respond. The CAB accordingly requests that the Commission give interested parties until February 17, 2010 to file their replies.

Sincerely,

A handwritten signature in black ink, appearing to read 'Pierre-Louis Smith', written over a horizontal line.

Pierre-Louis Smith
Vice-President, Policy and Chief Regulatory Officer

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PDJ/

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