



Broadcasting Notice of Public Hearing CRTC 2007-9

Ottawa, 28 June 2007

The Commission will hold a public hearing commencing on 29 August 2007 at 9:30 a.m., at the Conference Centre, Portage IV, 140 Promenade du Portage, Gatineau, Quebec, to consider the following application. The deadline for submission of interventions/comments is 2 August 2007.

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

Item Applicant and Locality

1. **Rogers Media Inc. (Rogers Media), on behalf of 1708487 Ontario Inc., 1738700 Ontario Inc. and CHUM Television Vancouver Inc.**
Vancouver, British Columbia; Edmonton and Calgary, Alberta; Portage La Prairie/Winnipeg, Manitoba; and Toronto, Ontario
Application No. 2007-0925-6

1. **Vancouver, British Columbia; Edmonton and Calgary, Alberta; Portage La Prairie/Winnipeg, Manitoba; and Toronto, Ontario**
Application No. 2007-0925-6

Application by **Rogers Media Inc. (Rogers Media), on behalf of 1708487 Ontario Inc. (1708487), 1738700 Ontario Inc. (1738700) and CHUM Television Vancouver Inc. (CHUM Vancouver)**, for authority to transfer the effective control of 1708487, 1738700 and CHUM Vancouver, from the Trustee, Mr. John D. McKellar, C.M., Q.C., to Rogers Media.

Background

This transaction follows the Commission's decision *Transfer of effective control of CHUM Limited to CTVglobemedia Inc.*, Broadcasting Decision CRTC 2007-165, 8 June 2007, which approval was conditional on the divestiture by CTVglobemedia of CHUM Limited's five Citytv stations.

This transaction also follows the application filed by the Trustee under separate cover (application no. 2007-0943-8), whereby broadcasting licences for the Calgary, Edmonton and Portage La Prairie/Winnipeg Citytv stations would be issued to 1738700.

Application

The proposed transfer would be effected through the acquisition by Rogers Broadcasting Limited, a wholly owned subsidiary of Rogers Media, of all of the issued and outstanding shares of 1708487, 1738700 and CHUM Vancouver from the Trustee. As a result, Rogers Media would control CITY-TV Toronto and transmitters CITY-TV-2 Woodstock, CITY-TV-3 Ottawa, CITY-DT Toronto, Ontario, CKAL-TV Calgary and transmitter CKAL-TV-1 Lethbridge, CKEM-TV Edmonton and transmitter CKEM-TV-1 Red Deer, Alberta, CHMI-TV Portage La Prairie/Winnipeg, Manitoba, CKVU-TV Vancouver and transmitter CKVU-TV-1 Courtenay, British Columbia. (collectively the “stations”).

The applicant has ascribed a value for the negotiated purchase price of 375 million dollars.

The proposed tangible benefits package for the stations amounts to 37.5 million dollars, representing 10 percent of the value of the negotiated purchase price.

Rogers proposed that the tangible benefits be allocated to three initiatives:

- Allan Waters Canadian Content Initiative – 32.5 million dollars
- Script and Concept Development – 2 million dollars
- Industry Initiatives – 3 million dollars

Finally, Rogers proposed to divest, within a 12 month period following a decision on this application, its two religious stations - OMNI.11 –Fraser Valley/Vancouver, and OMNI.10 – Winnipeg, as they would represent exceptions to the Commission’s one station per market policy as these stations are English-language television programming undertakings. Rogers indicated that its existing OMNI.1 and OMNI.2 stations in Toronto and its two recently licensed ethnic stations in Calgary and Edmonton do not trigger issues as these are ethnic stations.

Considering the size and nature of this transaction, the Commission may discuss, among other things, the following:

Common Ownership

The Commission notes the current practice of OMNI.1 and OMNI.2 to use popular U.S. programming to fill certain portions of their program schedules, over the broadcast day and in primetime, and thus, the Commission may also wish to discuss the potential impact of the proposed transaction on the Commission’s common ownership policy despite Rogers’ assertion that its ethnic stations do not raise any issues in this regard.

Programming Diversity and Synergies

The Commission may wish to discuss programming diversity and synergy issues that may result from this transaction, such as editorial independence between Rogers’ various media

holdings and potential programming synergies amongst Rogers' various television services.

Value of the Transaction and its Proposed Benefits Package

The Commission may wish to discuss the value of the transaction, and the valuation of the shares acquired (i.e. methodology and allocation between undertakings).

The Commission may also wish to discuss the proposed benefits package in terms of incrementality, acceptability, and alternate proposals in respect of any benefits that may be found to be unacceptable. The Commission, in applying its benefits test, has been consistent and rigorous in requiring that expenditures proposed as tangible benefits be: (1) truly incremental; (2) directed to projects and initiatives that would not be undertaken or realized in the absence of the transaction; and (3) has generally required applicants to demonstrate that expenditures proposed as tangible benefits flow predominantly to third parties, such as independent producers.

Applicant's address:

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Examination of application:

299 Queen Street West
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Winnipeg, Manitoba

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Calgary, Alberta

10212 Jasper Avenue,
Edmonton, Alberta

180 2nd Avenue West
Vancouver, British Columbia

Public Participation

Deadline for interventions/comments

2 August 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.

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.

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.

Please note that the information you provide to the Commission as part of this public process is entered into an unsearchable database dedicated to this specific public process. This database is accessible only from the webpage of this particular public process. As a result, a general search of our website with the help of either our own search engine or a third-party search engine will not provide access to the information which was provided as part of this public process.

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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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>