



Broadcasting Notice of Consultation CRTC 2015-12

PDF Version

Ottawa, 16 January 2015

Call for comments on market capacity and on the appropriateness of issuing a call for radio applications to serve Burlington, Ontario

The Commission has received an application for a broadcasting licence to operate a new commercial radio station to serve Burlington, Ontario. In accordance with the approach set out in Broadcasting Regulatory Policy 2014-554, the Commission seeks comment on market capacity and on the appropriateness of issuing a call for radio applications to serve Burlington. The Commission encourages interested persons, including the applicant, to submit additional information that the Commission will take into consideration before making a final determination on whether it should proceed with a call for applications.

*The deadline for the receipt of interventions is **17 February 2015**. Only parties that file interventions may file a reply to matters raised during the intervention phase. The deadline to file replies is **27 February 2015**.*

Background

1. In Broadcasting Regulatory Policy 2014-554, the Commission set out its procedure for issuing calls for applications for broadcasting licences to operate radio stations. According to that procedure, applications for new radio stations in markets of all sizes will generally result in the issuance of a call for applications with the following exceptions:
 - proposals with very little or no commercial potential or impact, including some low-power applications;
 - proposals to provide the first commercial service in a market;
 - proposals by the sole commercial operator in a market to improve service to the market, either through an AM to FM conversion or a new station;
 - proposals to provide the first commercial service in the other official language in a market, or to convert the only station in the other official language from AM to FM; and
 - proposals to convert stations from AM to FM, in markets with two or fewer commercial operators.

2. The Commission will also take into account the availability or scarcity of spectrum when considering applications that propose to use one of the last known frequencies in a market. Such applications will not be eligible to be considered under one of the exceptions to the issuance of a call.
3. Upon receipt of an application that does not fall within one of the exceptions to the issuance of a call, the Commission will publish a notice of consultation to seek comment on market capacity and the appropriateness of issuing a call. The Commission will also publish the following information in the notice of consultation: the applicant's name, the type of service proposed (commercial mainstream or specialty, community, campus, etc.), the technical parameters proposed (frequency band, broadcast power) and a sampling of the main communities included in the primary contour of the proposed station's coverage.

Application for Burlington

4. The Commission announces that it has received the following application for a broadcasting licence to operate a new commercial radio station to serve Burlington, Ontario.

Applicant: Byrnes Communications Inc.

Type of service proposed: Commercial mainstream music station

Technical parameters: 88.5 MHz FM with an average effective radiated power (ERP) of 80 watts (maximum ERP of 350 watts)

Main communities included in the primary service contour: Burlington

5. The city of Burlington is included within both the Hamilton Census Metropolitan Area (CMA) and the Hamilton Central (CTRL) Numeris diary market, which is currently served by seven commercial radio stations. Burlington accounts for 24% of the total population of the Hamilton CMA.
6. The applicant would use one of the last known available frequencies in Burlington and the Hamilton CTRL diary market.

Call for comments

7. In light of the above, the Commission calls for comments on the capacity of Burlington to support a new station and on whether it should issue a call for applications for new radio stations to serve that market. The Commission encourages interested persons, including the applicant, to submit additional information that the Commission will take into consideration before making a final determination on whether to proceed with a call for applications.
8. Aggregated financial information relating to the Hamilton radio market can be found in the Commission's [radio market report](#).

9. Following receipt of comments, the Commission will conduct an assessment of the market's capacity to support an additional station, taking into account economic and financial data as well as the comments received in the public consultation.
10. As indicated in Broadcasting Regulatory Policy 2014-554, the Commission will weigh factors such as market capacity, spectrum availability or scarcity and interest in serving the market when deciding whether to:
 - publish the application for consideration during the non-appearing phase of a public hearing;
 - issue a call for applications; or
 - make a determination that the market cannot sustain additional stations, return the application and issue a decision setting out this determination.

Procedure

11. The *Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure* (the Rules of Procedure) apply to the present proceeding. The Rules of Procedure set out, among other things, the rules for content, format, filing and service of interventions, replies, answers of respondents and requests for information; the procedure for filing confidential information and requesting its disclosure; and the conduct of public hearings. Accordingly, the procedure set out below must be read in conjunction with the Rules of Procedure and its accompanying documents, which can be found on the Commission's website under "Statutes and Regulations." The *Guidelines on the CRTC Rules of Practice and Procedure*, set out in Broadcasting and Telecom Information Bulletin 2010-959, provide information to help interested persons and parties understand the Rules of Procedure so that they can more effectively participate in Commission proceedings.
12. The Commission invites interventions that address the issues and questions set out above. The Commission will accept interventions that it receives on or before **17 February 2015**. Only parties that file interventions may file a reply to matters raised during the intervention phase. The deadline for the filing of replies is **27 February 2015**.
13. The Commission encourages interested persons and parties to monitor the record of the proceeding, available on the Commission's website, for additional information that they may find useful when preparing their submissions.
14. Submissions longer than five pages should include a summary. Each paragraph of all submissions should be numbered, and the line *****End of document***** should follow the last paragraph. This will help the Commission verify that the document has not been damaged during electronic transmission.

15. Submissions must be filed by sending them to the Secretary General of the Commission using **only one** of the following means:

by completing the
[\[Intervention/comment/answer form\]](#)

or

by mail to
CRTC, Ottawa, Ontario K1A 0N2

or

by fax at
819-994-0218

16. Parties who send documents electronically must ensure that they will be able to prove, upon Commission request, that service/filing of a particular document was completed. Accordingly, parties must keep proof of the sending and receipt of each document for 180 days after the date on which the document is filed. The Commission advises parties who file and serve documents by electronic means to exercise caution when using email for the service of documents, as it may be difficult to establish that service has occurred.
17. In accordance with the Rules of Procedure, a document must be received by the Commission and all relevant parties by 5 p.m. Vancouver time (8 p.m. Ottawa time) on the date it is due. Parties are responsible for ensuring the timely delivery of their submissions and will not be notified if their submissions are received after the deadline. Late submissions, including those due to postal delays, will not be considered by the Commission and will not be made part of the public record.
18. The Commission will not formally acknowledge submissions. It will, however, fully consider all submissions, which will form part of the public record of the proceeding, provided that the procedure for filing set out above has been followed.

Important notice

19. All information that parties provide as part of this public process, except information designated confidential, whether sent by postal mail, facsimile, email or through the Commission's website at www.crtc.gc.ca, becomes part of a publicly accessible file and will be posted on the Commission's website. This information includes personal information, such as full names, email addresses, postal/street addresses, telephone and facsimile numbers, etc.
20. The personal information that parties 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.

21. Documents received electronically or otherwise will be put on the Commission's website in their entirety exactly as received, 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.
22. The information that parties 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 web page of this particular public process. As a result, a general search of the Commission's website with the help of either its own search engine or a third-party search engine will not provide access to the information that was provided as part of this public process.

Availability of documents

23. Electronic versions of the interventions and of other documents referred to in this notice, are available on the Commission's website at www.crtc.gc.ca by visiting the "Participate" section, selecting "Submit Ideas and Comments," and then selecting "our open processes." Documents can then be accessed by clicking on the links in the "Subject" and "Related Documents" columns associated with this particular notice.
24. Documents are also available from Commission offices, upon request, during normal business hours.

Location of Commission offices

Toll-free telephone: 1-877-249-2782
Toll-free TDD: 1-877-909-2782

Les Terrasses de la Chaudière
Central Building
1 Promenade du Portage, Room 206
Gatineau, Quebec
J8X 4B1
Tel.: 819-997-2429
Fax: 819-994-0218

Regional offices

Nova Scotia

Metropolitan Place
99 Wyse Road
Suite 1410
Dartmouth, Nova Scotia
B3A 4S5
Tel.: 902-426-7997
Fax: 902-426-2721

Quebec

505 de Maisonneuve Boulevard West
Suite 205
Montréal, Quebec
H3A 3C2
Tel.: 514-283-6607

Ontario

55 St. Clair Avenue East
Suite 624
Toronto, Ontario
M4T 1M2
Tel.: 416-952-9096

Manitoba

360 Main Street
Suite 970
Winnipeg, Manitoba
R3C 3Z3
Tel.: 204-983-6306
Fax: 204-983-6317

Saskatchewan

403 – 1975 Scarth Street
Regina, Saskatchewan
S4P 2H1
Tel.: 306-780-3422
Fax: 306-780-3319

Alberta

200 – 4th Avenue South-East
Suite 574
Calgary, Alberta
T2G 4X3
Tel.: 403-292-6660
Fax: 403-292-6686

British Columbia

858 Beatty Street
Suite 290
Vancouver, British Columbia
V6B 1C1
Tel.: 604-666-2111
Fax: 604-666-8322

Secretary General

Related documents

- A targeted policy review of the commercial radio sector, *Broadcasting Regulatory Policy CRTC 2014-554*, 28 October 2014
- *Guidelines on the CRTC Rules of Practice and Procedure*, Broadcasting and Telecom Information Bulletin CRTC 2010-959, 23 December 2010
- *Changes to certain practices for filing interventions – Expansion of filing practices to include the filing of joint supporting comments for broadcasting policy proceedings*, Broadcasting Information Bulletin CRTC 2010-28-1, 10 December 2010