



Broadcasting Notice of Consultation CRTC 2012-277

PDF version

Ottawa, 9 May 2012

Notice of application received

Across Canada

Deadline for submission of interventions/comments/answers: 8 June 2012

[\[Submit an intervention/comment/answer or view related documents\]](#)

The Commission has received the following application:

Applicant/Licensee and Locality

1. **High Fidelity HDTV Inc.**
Across Canada
Application 2012-0105-3

1. **Across Canada**
Application 2012-0105-3

Application by **High Fidelity HDTV Inc.** (High Fidelity) for authority to change its effective control and control of its broadcasting subsidiaries to Blue Ant Media Inc. (Blue Ant).

High Fidelity is currently held by HFB Canada Acquisitions Holdings Inc. (HFB Canada), a subsidiary of Blue Ant, which holds 29.9% of the voting interest, and by 14 minority shareholders collectively holding 70.1% of the voting interest. High Fidelity is controlled by its shareholders pursuant to the terms of a Unanimous Shareholders' Agreement.

High Fidelity owns through its subsidiaries the Category 2 specialty services radX, HIFI, Oasis HD, eqhd, and 3 others not yet in operation.

Blue Ant owns, through its subsidiary GlassBOX Television Inc., the specialty Category B services BITE Television and AUX TV, as well as 5 other specialty Category B services and one specialty Category C service not yet in operation. It also owns the specialty Category A travel + escape through its subsidiary 7506465 Canada Inc.

Pursuant to the share purchase agreement, HFB Canada will acquire 58.4% of High Fidelity's voting interest, for a total of 88.3%, and Blue Ant will acquire the remaining 11.7%.

Following the transaction, High Fidelity will be controlled by Blue Ant, a corporation wholly owned and controlled by Michael MacMillan.

Pursuant to the terms of the Share Purchase Agreement, the purchase price for the transaction is \$85,000,000. This price includes the shares (i.e. 29.9%) acquired by HFB Canada in the share capital of High Fidelity in December 2011.

High Fidelity proposed a tangible benefits package representing 10% of the value of the transaction.

Applicant's address:

130 Merton Street
Suite 200
Toronto, Ontario
M4S 1A4
Fax: 416-868-0673

E-mail to request electronic version of application: babramson@mccarthy.ca

Procedure

Deadline for interventions or answers

8 June 2012

The new *Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure*, SOR/2010-277 (the Rules of Procedure), set out, among other things, the rules for content, format, filing and service of interventions, 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 "CRTC Rules of Practice and Procedure."

This notice may announce applications that would normally be subject to the written process described in Part 1 of the Rules of Procedure, but that were filed before 1 April 2011. An explanation in this regard is set out in *Implementation of new Rules of Practice and Procedure*, Broadcasting and Telecom Regulatory Policy CRTC 2010-958, 23 December 2010.

An intervention or answer from a respondent must be received by the Commission and by the applicant on or before the above-mentioned date. An answer from a respondent must also be served on any other respondent.

In accordance with the Rules of Procedure, a document must be filed with, not merely sent to, the Commission by 5 p.m. Vancouver time (8 p.m. Ottawa time) on the date it is due. The Commission takes no responsibility for postal delays and will not notify a party whose submission is received after the deadline date. Late submissions will not be considered by the Commission and will not be made part of the public file.

Interventions and answers from respondents will be considered by the Commission and will form part of the public record of the proceeding without further notification to

parties, provided the procedures set out in the Rules of Procedure and this notice have been followed. Parties will be contacted only if their submissions raise procedural questions.

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

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

or

by mail to
CRTC, Ottawa, Ontario K1A 0N2

or

by fax at
819-994-0218

A true copy of each intervention or answer from a respondent must be sent to the applicant and, in the case of a respondent to an application, to any other respondent.

The Commission advises those who file and serve by electronic mode to exercise caution when using e-mail for service of documents, as it may be difficult to establish that service has occurred.

Parties must ensure that, before initiating service through electronic mode, they will be able to satisfy the Commission, upon request, that service was completed. The sender must keep proof of the sending and the receipt of the document for 180 days after the day on which it is filed.

Submissions longer than five pages should include a summary.

Each paragraph of the submission should be numbered. In addition, 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 altered during electronic transmission.

Interventions and answers should clearly identify the application referred to and indicate whether parties support or oppose the application, or, if they propose changes to it, include the facts and grounds for their proposal.

Important notice

All information that parties provide as part of this public process, except information designated confidential, whether sent by postal mail, facsimile, e-mail 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, e-mail addresses, postal/street addresses, telephone and facsimile numbers, and any other personal information parties provide.

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.

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.

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.

The Commission encourages parties and interested persons 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.

Examination of documents

An electronic version of the application(s) is available on the Commission's website by selecting the application number within this notice. It is also available from the applicant(s)/licensee(s), either on its/their website(s) or upon request by contacting the applicant(s)/licensee(s) at its/their email address(es), provided above.

A list of all interventions and answers will also be available on the Commission's website. The list is accessible by selecting "View all proceedings open for comment" from the "Public Proceedings" section of the Commission's website and by clicking on the "Interventions/Answers" link associated with this notice.

Documents are also available during normal office hours at the Commission offices and documentation centres directly involved with this application/these applications, or, upon request, within two (2) working days, at any other Commission offices and documentation centres.

Location of Commission offices

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

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

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Central Building
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Secretary General