



Broadcasting Decision CRTC 2013-370

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Route reference: 2013-154

Ottawa, 6 August 2013

Evan Kosiner, on behalf of a corporation to be incorporated Across Canada

Application 2012-1459-3, received 9 November 2012
Public hearing in the National Capital Region
27 May 2013

Pub – Specialty audio service

*The Commission **approves** an application to operate a national, English-language specialty audio service.*

The application

1. Evan Kosiner, on behalf of a corporation to be incorporated (Evan Kosiner (OBCI)) filed an application to operate a national, English-language specialty audio service to be known as Pub. The Commission did not receive any interventions regarding this application.
2. Evan Kosiner (OBCI) will be wholly owned and directly controlled by Evan Kosiner.
3. According to the applicant, the service would target males between the ages of 34 and 54 as well as bars, restaurants and nightclubs. It would focus mainly on providing music mixed by DJs between the approximate hours of 10 p.m. and 3 a.m. Music played outside these hours would consist of a mix of rock and pop from the past four decades featuring traditional pub fare, Irish and folk music from the Canadian Prairies.
4. Evan Kosiner (OBCI) proposed that, during daytime periods, it would draw music from prior decades where available Canadian content may be limited, particularly music from the Canadian Prairies, folk and Canadian classic songs.
5. The applicant submitted that its proposed service would promote and develop Canadian artistic and musical talent by providing Canadian DJs with opportunities to showcase their on-air skills to a larger market in bars and restaurants nationally. It also indicated that it would devote most of its Canadian content to new, developing and breakthrough artists.

Commission's decision

6. The Commission is satisfied that the application conforms with all applicable terms and conditions set out in *New licensing framework for specialty audio programming services*, Broadcasting Public Notice CRTC 2002-53, 12 September 2002.
Accordingly, the Commission **approves** the application by Evan Kosiner, on behalf of a corporation to be incorporated, for a broadcasting licence to operate the national, English-language specialty audio service Pub. The terms and **conditions of licence** are set out in the appendix to this decision.

Secretary General

**This decision is to be appended to the licence.*

Appendix to Broadcasting Decision CRTC 2013-370

Terms, conditions of licence and encouragement for the national, English-language specialty audio service Pub

Terms

The licence will come into effect 1 September 2013 and expire 31 August 2020.

The Commission requires the applicant to file, within 12 months of the date of the incorporation, a copy of its amended and executed by-laws demonstrating that it is in compliance with the *Direction to the CRTC (Ineligibility of non-Canadians)* at all times.

The Commission will issue a licence once the applicant has satisfied the Commission, with supporting documentation, that all of the following requirements have been met:

- an eligible Canadian corporation has been incorporated in accordance with the application in all material respects;
- the applicant has entered into a distribution agreement with at least one licensed distributor; and
- the applicant has informed the Commission in writing that it is prepared to commence operations. The undertaking must be operational at the earliest possible date and in any event no later than 24 months from the date of this decision, unless a request for an extension of time is approved by the Commission before **6 August 2015**. In order to ensure that such a request is processed in a timely manner, it should be submitted at least 60 days before that date.

Conditions of licence

1. The licensee shall adhere to the conditions of licence and the licensing framework for specialty audio services set out in Appendix 1 to *New licensing framework for specialty audio programming services*, Broadcasting Public Notice CRTC 2002-53, 12 September 2002.
2. The licensee shall provide a national, English-language specialty audio service broadcasting a mix of rock and popular music heard throughout the past four decades featuring traditional pub fare, Irish and folk music from the Canadian Prairies and mixed by DJs for use by bars, restaurants and night clubs.
3. The licensee shall adhere to the *Broadcast code for advertising to children* and the *Equitable Portrayal Code*, as amended from time to time and approved by the Commission.
4. The licensee shall adhere to sections 2.2, 3, 4, 6, 7, 8, 9(2) and 11 of the *Radio Regulations, 1986*.

5. The licensee shall adhere to the *Broadcasting Licence Fee Regulations, 1997* if its revenues derived from broadcasting activities exceed the threshold amount of \$2 million.

For the purposes of these conditions of licence, *broadcast day* and *broadcast week* shall have the same meaning as that set out in the *Radio Regulations, 1986*.

Encouragement

Employment equity

In accordance with *Implementation of an employment equity policy*, Public Notice CRTC 1992-59, 1 September 1992, the Commission encourages the licensee to consider employment equity issues in its hiring practices and in all other aspects of its management of human resources.