

ENGLISH-LANGUAGE **ARTS** NETWORK

February 1, 2010

Robert A Morin
Secretary General
Canadian Radio-television and Telecommunications
Commission
1 Promenade du Portage
Gatineau, Québec
J8X 4B1

Dear Secretary General,

Re: CRTC 2009-661
Review of Community Television Policy Framework

1. ELAN would like to appear before the Commission at the public hearing on April 26, 2010, to discuss in more detail the issues we raise in this intervention.
2. ELAN is the English-language Arts Network of Quebec and we represent English-speaking artists in Quebec. We began in 2004 and now have over 1,800 members. For more information, see www.quebec-elan.org.
3. ELAN is a member of the Quebec Community Groups Network (QCGN) which represents nearly one million Anglophones who live in Quebec. At the QCGN Annual General Meeting in Gatineau on September 11, 2009, the members passed the following resolution.

“Be it resolved that the QCGN and its members, who represent English speaking Quebec, agree that the vitality of our communities is greatly strengthened by hearing and seeing our stories, news and information produced and broadcast from our regions and communities.

We further note that Canadian broadcasting is regulated by the Canadian Radio-television and Telecommunications Commission (CRTC), whose policy decisions are

guided by the *Broadcasting Act* and the *Telecommunications Act*, and subject to the *Official Languages Act*.

The QCGN and its members support and bring to the attention of the CRTC the concerns of the Commissioner of Official Languages about equitable treatment of both official language minorities. Moreover, the QCGN wishes to emphasize to the Department of Canadian Heritage, and other relevant government departments, agencies and institutions the importance and priority the official minority language community in Québec places on the implementation of broadcasting policy that supports our regional reflection.”

General Objectives

4. ELAN wishes to focus its comments on the needs of the official language minority communities (OLMCs) in Quebec. While supported by the *Official Languages Act* in principle, the English-language community inside Quebec is often ignored in practice by policy-makers. Some believe, because we speak the majority language of North America, our communities face no challenges.

5. Yet, while we hear the English language on TV, we face many challenges seeing our own stories on television screens or finding the resources to produce our own regionally reflective programs. Community television can be - and should be - a powerful vehicle for empowering audiences with stories that speak to collective challenges as well as shared achievements. These local stories create a sense of community pride and optimism, especially among youth, who can feel marginalized, insignificant and irrelevant in a minority environment.

6. We would like to point out the importance given to regional reflection for official language minorities in the two following reports.

7. In the report of the Commissioner of Official Languages, *Shadows Over the Canadian Television Landscape: The Place of French on the Air and Production in a Minority Context*, January, 2009, Recommendation 2 states:

“The Commissioner of Official Languages recommends to the Canadian Radio-Television and Telecommunications Commission that it:

a) develop a specific policy which will:

- Clarify the concept of regional reflection;
- Distinguish between the production of regional programs in the majority official language and the production of regional programs in the minority official language;

b) encourage all Canadian broadcasting services to make commitments regarding the development and acquisition of French-language programs produced outside Quebec and English-language programs produced in Quebec, including a certain percentage produced outside Montreal.” (emphasis added)

8. Several months later on March 30, 2009, in your *Report to the Governor in Council on English- and French-language broadcasting services in English and French linguistic*

minority communities in Canada, the CRTC pointed out the importance all the OLMC interveners assigned to regional reflection.

“ All of the official-language minority community representatives who participated in the hearing- the Ad Hoc Quebec Production Committee, the Alliance des producteurs francophones du Canada (APFC), the English-language Arts Network (ELAN), the FCFA, the FCCF, the Fédération des francophones de la Colombie-Britannique (FFCB), the Quebec Community Groups Network and the Voice of English-speaking Quebec- as well as TV5, TFO, the Commissioner of Official Languages and the delegated ministers from the MCCF, consider regional reflection to be the barometer for the quality of minority television services available to minority communities. They demanded that measures be implemented to expand the representation of these communities within the Canadian broadcasting system, in news and in all other types of programming, and to better meet their needs in terms of local and regional programming.” p.8 (emphasis added)

9. Local programming provided by conventional television broadcasters is largely limited to the Montreal area where these broadcasters are located. The 200,000 Anglophones located outside the Montreal area have little or no access to local programming and regional reflection.

10. ELAN believes that these small, isolated communities have special needs which require access to regional reflection and, to the degree that it is feasible, local expression. For that matter, all Anglophones in Quebec are underserved in terms of regional reflection. These issues should be addressed by the CRTC at this hearing.

BDU-operated community channels

11. We wish to focus on Videotron in this discussion of terrestrial Broadcasting Distribution Undertakings (BDUs) because, according to the CRTC’s Brynaert Report [*Sounds and Images: Radio, Television and Cable Services in Official Languages Minority Communities*; Brynaert Associates, Oct. 27, 2008], Videotron offers cable service to every English-language community in Quebec with more than 20,000 population by census division. It also serves many smaller communities. A total of 919,000 Anglophones, or about 93% of the total English population of Quebec, defined as “first official language spoken” or FOLS, fall within the service area of Videotron.

12. While we do not know the amount of money that Videotron is required to spend on Canadian content, we do know that in 2008 cable companies in Quebec contributed \$49.4 million to Canadian programming. Out of this amount, \$24.8 million was contributed to the Canadian Television Fund and independent production funds, and another \$24.6 million was spent on “local expression” or community channels.

13. In the case of Videotron, that would presumably mean its share of this \$24.6 million was spent on the VOX community channel. This channel is entirely in French across the province with the exception of three programs. *English Essentials Globish* and

Township's Talk are broadcast on the Sherbrooke VOX channel. The VOX channel on the south shore of Montreal presents a program on school life called *Riverside Television* produced by students at Heritage Regional High School.

14. While these three programs on regional VOX channels show the energy and initiative of the volunteers behind them, this is insufficient Anglophone reflection on a cable system covering 93% of the province's official language minority. In fact, there is no English program on Videotron's Montreal community channel, nor is there an English-language community channel anywhere in Quebec.

15. Yet, under the *Broadcasting Act*, 1991, Section 3(1)(t)(iv), the BDUs "may" originate local programming and "in particular provide access for underserved linguistic and cultural minority communities". However, this OLMC mandate for BDUs is left up to the initiative of the BDU and the oversight of the CRTC. The initiative by Videotron and the oversight by the CRTC have been inadequate in this case, and the Quebec OLMC has been ignored.

16. The BDUs are among the most profitable elements of the Canadian broadcasting system, and Quebec BDUs reached a profit margin before interest and taxes of 30.5% last year. There would seem to be financial room for the CRTC to exercise its powers in this section of the *Broadcasting Act*.

17. Thus, we request that the CRTC require that the Quebec BDUs allocate 20% of the \$24.6 million they spend on "local expression", or \$5 million, to support official language minority community programming.

18. This percentage is roughly equivalent to the Anglophone and Allophone population of Quebec, and reflects the policy of provincial cultural organizations like SODEC which limit non-French television and film grants or investments to 20% of its annual funding.

Direct-to-home satellite services

19. ELAN is unsure how a national satellite service can provide a DTH channel for the whole of Canada, or large parts thereof, with "community" programming. This proposal for DTH community channels raises fundamental questions about the definition of "community" programming. In our case, we do not believe that the definition of "community" should expand beyond the official language minority community of Quebec.

20. Of greater concern is our fear that resources which are supporting high quality prime-time television programming will be diverted to these DTH channels, and diverted to the production of much lower cost "community" programming with correspondingly lower viewership.

21. We are specifically concerned that part of the funding (5% of eligible revenues) which the satellite BDU's now provide to the Canada Media Fund will be diverted to

these DTH “community” channels. In 2008-9, the Canada Media Fund received \$86 million or 27% of its total revenue from satellite companies. If these satellite BDUs can divert 40% (i.e 2% from the current 5%) of their eligible revenues from CMF to DTH “community” channels, the Canada Media Fund would lose up to \$35 million.

22. Consequently, we request that these DTH community channel proposals be rejected if they will be funded from monies now going to CMF or similar independent production funds.

23. If the CRTC approves DTH community channels, we request that funding for DTH community channels be generated on top of the 5% of eligible BDU revenues supporting CMF, and the 1.5% supporting LPIF.

24. We also request that at least 20% of the funding for these channels be set aside for OLMC programming in both languages.

Funding Community Programming

25. We agree that community programming should add to the diversity of voices available to Canadians. However, under the CRTC’s 2002 community TV framework, only 3 or 4 independent community TV services have been licensed. We believe the concept of community broadcasting, whether distributed off-air, by cable, DTH, or internet, will not flourish without stable and adequate funding, especially for content.

26. Community programming cannot simply depend on volunteer labour which is subject to high turnover and burnout. If these channels are to reach their potential and attract viewers in a Canada of 700 licensed channels, they must have sufficient resources.

Advertising

27. Canadians are inundated with advertising as never before. We cannot believe that the resulting clutter is to the advantage of advertisers who are increasingly demanding product placement in TV programming to break through their own ad deluge. It certainly is not to the advantage of viewers. Those few islands of non-commercial high-quality media, and CBC radio stands out, must be maintained if we value a true diversity of voices.

28. In addition, given the fragmentation of advertising and the downturn in revenue off-air broadcasters are suffering, we are unsure that this is the best time to further fragment national advertising revenues between conventional broadcasters and new channels or media.

29. Therefore, we would urge that the CRTC exercise caution before eliminating or reducing national advertising restrictions to support community channels.

Local Programming Improvement Fund

30. At the Commission's 2009-411 hearing, ELAN requested that the CRTC:

- “1) adopt the “first official language spoken” definition of official language minorities to determine LPIF eligibility, and as a result, make English-speaking Montreal eligible for the LPIF;
- 2) change the design of the LPIF to better support regional reflection of the official-language minority community in Quebec, including at least a 20% envelope for Quebec OLMC production, 75% of which would be accessible to independent producers working in any genre;
- 3) continue funding the LPIF at a minimum of 1.5% of eligible BDU revenues;...”

31. In addition to our position in 2009-411, we request that independently-operated community TV services should be eligible for LPIF funding.

BDU Contributions

32. We believe that an appropriate portion of BDU contributions to community channels should be earmarked for program production including access production and independent production.

33. For terrestrial BDUs, this funding would come out of the 2% they can currently spend on community channels. In addition, independent program production could be funded from the LPIF. This would mean the 1.5% rate now supporting LPIF should not be reduced, and should be increased to 2% of eligible BDU revenues.

34. If satellite BDUs wish to fund their own national “community” channels, than it should only be on the condition that they do not reduce the 5% of their eligible revenues now earmarked for CMF. They would have to fund such channels out of additional revenues.

35. Furthermore, we request that an OLMC program production envelope of 20% be set aside within programming funds to ensure that official language minority community programming is sufficiently funded.

Video-on-demand

36. VOD is successful when used to generate revenue for high-budget mass programming, but we don't believe the business model for low-budget minority programming has been demonstrated.

37. Therefore, we urge caution using video-on-demand as a means of funding community programming. If a community channel wishes to experiment with VOD, we see no reason this shouldn't be encouraged. However, we do not believe community channels should be expected to depend on this type of revenue.

New Media

38. The growing evolution of the internet does raise questions about the future of community channels, especially as interactive media. We have no crystal ball, but we would suggest that this question should be considered in terms of distribution and production.

39. New technologies make the distribution of traditional programming cheaper and easier, and BDUs have benefited. As for the content being distributed, that has been changed by the internet. Global interactive "social media" are growing with consequences that are difficult to imagine at this point.

40. At the same time, while traditional TV programming is subject to audience fragmentation and downward pressure on production budgets, it still attracts the mass audience- even if on a smaller scale. In fact, older media continues to evolve, and survive.

41. Theatrical movies find huge audiences when the content is attractive, as James Cameron has demonstrated. FM radio seems to be prospering though AM radio is dying. Unfortunately, one AM loser is the world's first radio station which was founded in Montreal by Marconi in 1919. It has just been closed by its current owner Corus. We also see hybrid media develop, such as performances of staged operas distributed in movie theatres, or National Film Board archival films available on smartphones.

42. We suggest the priority policy concern facing the Commission is making Canadian content in any form as competitive and attractive as possible. That means finding adequate funding for Canadian program production, no matter how the idea of programming might evolve.

43. Therefore, we believe the Commission should focus on increasing the diversity of voices by finding program funding for those voices.

Official-language Minority Communities

44. The Quebec OLMCs are essentially two quite different groups with different problems. There is Montreal with over 700,000 Anglophones. This population has declined, but seems to be finding a balance and stabilizing. Then there is the rest of Quebec where over 200,000 Anglophones live in small communities which are getting smaller, and in some cases, disappearing.

45. The English-language community in Quebec lacks access to important services, such as an educational channel, and this reduces our regional reflection. We note that the Ontario Government supports TFO with a grant of \$16 million per year. We don't expect the Quebec Government will follow suit. We do expect a community channel, especially in Montreal.

46. We believe a community channel for the Quebec OLMCs should be funded from BDU revenues, specifically 20% of community channel or "local expression" BDU budgets in Quebec. This channel could help support our identity, improve creative employment opportunities, and draw our isolated communities together. We need a community channel with well-funded content.

47. We believe this is an objective that is not only within the Commission's mandate under the *Broadcasting Act*, but also an obligation under its *Official Languages Act* mandate.

Yours truly,

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