

ELAN

ENGLISH-LANGUAGE **ARTS** NETWORK

**Imagining a Broadcast and Media Strategy
for Quebec's Official Language Minority**

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Table of Contents

Executive Summary	page 3
1) Methodology and Overview	page 4
3) Representation	page 7
Community Representation	
Industry Representation	
4) Network Television Production and Programming	page 9
Regional Reflection	
Market Presence	
Tangible Benefits	
Bell Media (CTV)	
Shaw Media (Global)	
Licence Renewals	
Shaw Media (Global)	
Bell Media (CTV)	
Canadian Broadcasting Corporation	
Community Intervention	
5) Community Television	page 15
Background	
Bell	
<i>Télévision Communautaire Frontenac (TCF)</i>	
Concordia University Television (CUTV)	
<i>Vidéotron</i>	
6) CRTC Community TV Policy	page 18
7) New Platforms for TV	page 19
Webcasts	
Kidnapper Films, The Bitter End, Montreal Hearts	
8) Radio	page 20
CBC	
Astral Group	
Community Radio	
9) Community Media Strategy	page 21
Community Television	
Community Radio	
Community Media Platform	
10) Media Funding for Quebec's English-speaking Community	page 22
BDU Funding	
Provincial Funding	
Community Media Foundation	

Executive Summary

In a world in which media are increasingly global and cyber, the greatest strength of local media is precisely that they are close to their audience. By reporting local stories and reflecting the lived reality of its audience, local media can develop a strong, mutually beneficial relationship which more remote media can never hope to achieve.

Newspapers in Quebec have done the best job of engaging in a dialogue with their readers. Radio is making serious efforts to connect with its listeners. Television has been least effective in providing local content and regional reflection for its viewers, with the exception of community and campus facilities.

The audience has a responsibility for making its desires known. For the past couple of decades Quebec's English-speaking communities have failed to consistently represent their interests at Canadian Radio-television and Telecommunications Commission (CRTC) licence renewals and policy hearings. Since 2008 ELAN has made efforts to represent the English-speaking communities, in collaboration with the Quebec Community Groups Network, but human and financial resources are limited. The production industry has represented itself on ad hoc, issue-by-issue basis and in 2010 created the Quebec English-language Production Committee (QEPC).

This study revealed several opportunities to increase the quantity and quality of production, which have previously been overlooked, because of a lack of consistent/persistent consultations with a variety of interlocutors. These include: CRTC, Canada Media Fund, Telefilm and *Société de développement des entreprises culturelles* (SODEC), as well as television broadcasters, including Vidéotron/VOX, which have a responsibility to support or produce community-based television for its English-language subscribers.

This study also revealed that a good deal of radio production with strong local content is being created, which could be more widely distributed via the web. A web-based cyber portal could be created to aggregate existing content and make it available to all English-speaking communities throughout Quebec.

The more difficult work, of stimulating greater production and new forms of distribution, requires a unified community vision and voice, which does not currently exist. The first step, beyond *Imagining a Media Strategy*, is to bring together community and industry partners who share an interest in creating content that reflects the reality of Quebec's English-speaking community. ELAN can play the role of catalyst in the transition from 'imagining' to 'implementing'.

An initial solution would be for ELAN to mobilize a Media Working Group to identify ways to create, aggregate and disseminate audiovisual content that reflects the identity of Quebec's English-speaking communities. The longer term objective is to provide English-speaking audiences in Quebec with high-quality film, television and digital media programming, in addition to community TV.

1) Methodology

In early 2011, the English Language Arts Network (ELAN) received funding from the Department of Canadian Heritage to trace a portrait of the current audiovisual production landscape in English Quebec. From this portrait, ELAN is developing a media strategy for Quebec's English-speaking community.

Specifically, ELAN sought to discover the particular challenges faced by the English-speaking community in Quebec in its efforts to produce and consume media content which reflects its reality. From this overview, ELAN examined where it might best work to foster and promote the creation of English-language audio-visual production in Quebec. The study involved over thirty interviews with representatives of the Federal and Provincial ministries and agencies, English and French official language minority community groups, local television and radio broadcasters, as well as television and documentary producers and academics.

Areas of study included the financing, distribution and production of English audio-visual production; the need for the reflection of the community within the media landscape; the difficulty of retaining a pool of skilled artists and artisans in the community; and the possibilities of creating new distribution structures for English language content, including community television and micro-radio, in the regions.

Fortner Anderson and Mahalia Verna conducted the interviews listed in Appendix B and wrote the interview notes. Magnetic North Associates was consulted on broadcasting policy and analysis. ELAN Executive Director, Guy Rodgers, oversaw the project. (guyrodgers@quebec-elan.org)

Most interviews were completed by March 31, 2011. Additional information was gathered over the summer and the draft report was released in fall 2011.

2) Overview

During the past 40 years, Canadian media have been in a constant state of transformation and disruption. Back in the 1970s, who could have imagined a multi-channel, multi-platform, borderless global universe of unlimited - often free - content, or the convergence of print and broadcast media on the ubiquitous Internet? During the same period, Quebec's English-speaking community also experienced transformation and disruption. An exodus of 350,000 members has weakened institutions and social structures, while a new social contract in Quebec has been built around the language of the francophone majority. The shift from an identity based on culture/history and religion to a new social relationship based on language, as the unifying factor of modern Quebec, presents particular challenges to an English-speaking minority, no matter how bilingual its members become.

It is important to place this community media strategy in its context. *The Official Languages Act* was created to provide various kinds of support for Official Language Minority Communities (OLMC). In 1969, this legislation was designed for minority French-language communities in English Canada. The English-speaking community in Quebec felt no need for special assistance until much later. During the following quarter century, 350,000 English-speakers left Quebec. This unprecedented exodus left rural areas depopulated and urban areas destabilized. Smaller populations made it difficult to maintain community institutions created by earlier generations. This also presented the challenge of fewer people being involved in a multitude of public consultations.

Government interviewees in this study often spoke of the current incapacity of the English community to bring its concerns and its agenda to the attention of government. These interviewees often described the community as presenting a fragmented and inconsistent discourse. This is in comparison to the coherent and strong lobbying efforts of the Francophone OLMC in English Canada, which has been very successful in keeping its agenda at the forefront of government concern. Time and time again, the need for the English OLMC to develop a strong coherent lobbying effort was noted.

“Curiously, in the last two years there has been no intervention by Anglophone representatives to SODEC demanding additional funding or programs. Other minority groups, on the other hand, have been quite vocal.

In the two years he has been President of SODEC, this is the first meeting [Macerola] has had with a representative of the Anglophone community. It would seem that the Anglophone community is embarrassed and timid in its interventions before the Quebec government.

To improve its situation, the community must better organize to bring its concerns to government. It must show that it is an integral part of Quebec culture and re-affirm its place in Quebec culture. This must be both a political and public action. ELAN must make its requests known to the Minister St. Pierre and the Premier’s office.”

Francois Macerola, President, SODEC

“It doesn’t seem that there is sufficient infrastructure within the English film community. It seems there is not an organized group. There is no spokesperson. In the rest of the country, the Francophone organizations seem much more active.”

Claude Joli-Coeur, Asst. Film Commissioner, NFB

In a communications environment characterized by fragmentation, convergence, concentration of ownership, vertical integration and digitalization, the official language minority in Quebec faces challenges very different to the Francophone minority outside Quebec. There is no shortage of product in the minority language. Language is not the issue. An immeasurable

quantity of product is available in English. However, that content is mostly American or 'international'.

In recent years both 'industry' and 'community' groups have lacked the capacity to systematically represent their interests at CRTC policy hearings and licence renewals. This absence from important discussions has occurred during a period of media downsizing and concentration, often based in Toronto. The result has been a significant decrease in local production and an almost total elimination of regional reflection for Quebec's English-speaking community. With the exception of local news, weather, and sports on some radio and television channels, our media is almost entirely lacking in local or regional reflection. We are invisible to ourselves as well as others.

Over the last 40 years, the Montreal English community has seen a progressive reduction of presence on its television screens. Production of local travel, cultural, variety and lifestyle shows has disappeared from the program grids of both private and public broadcasters. Network programs produced in Quebec are hardly ever set in Quebec. Apart from local news production, which both private and public broadcasters produce on a daily basis, the local English community is rarely presented over the airwaves. Even that representation is limited almost exclusively to the Montreal region.

The lack of regional or local programs on English-language network television in Quebec was noted by many interviewees. This invisibility of the community on the television landscape is a cause of concern, because representation in the media is one of the ways in which the community defines itself. As one of the interviewees stated:

"It's important because if a community's experience is absent, people have a tendency to make a decreased investment in their own place and community. They lose an important site or mechanism where they come to recognize and understand themselves."

Darin Barney, Associate Professor, McGill University

Some interviewees pointed out that an English-language community television station could provide an excellent opportunity for the community to redress its current invisibility in the television media landscape. It could also provide training opportunities and promote local talent within the community, which would eventually contribute to high quality programming.

In conjunction with its invisibility on television screens, Quebec's English-speaking community is also faced with a number of problems from an industry perspective. Film and television production has shrunk over the past decade from a high of \$300 million in 2000 to about \$175 million in 2010. This decline has made it increasingly difficult for English-language writers, directors, actors, and producers to make a living here. Many choose to leave Quebec for other production centres that have a consistently higher level of English-language production. This loss of talent and expertise increasingly reduces the capacity of the production community to develop strong projects capable of obtaining financing.

Quebec English-language producers are challenged by the increasing concentration of media companies/providers and the concurrent centralization of editorial decision-making in these giant new entities, in Toronto if not Los Angeles.

For example, 60% of English-language television programs financed by the Canada Media Fund (CMF) are now produced in Toronto, 15% in Vancouver, 7% in Montreal and the remaining 17% across the country. Note that the CMF has ear-marked 10% of its French-language envelope for production in official language communities. To be consistent and equitable, the CMF needs to ear-mark a similar portion of its English-language envelope for production in Quebec's official language communities.

Quebec-based English-language producers also face difficulties in obtaining provincial support because the provincial tax credit is lower for English-language productions than for French-language productions. Moreover, the provincial funding agency has set a de facto funding cap on English productions, which further limits support. In addition, if an actor, writer, director or producer lives and works outside Quebec for two years, they lose their Quebec-approved funding status. These three institutional handicaps reduce the vitality and viability of English-language production in Quebec.

3) Representation

Quebec is home to a minority English-speaking community that in 2006 numbered 607,165, if defined by mother tongue, and 994,723 according to first official language spoken (FOLS). ELAN works with the Quebec Community Groups Network (QCGN) to represent minority language community interests. The principle concern of the minority community is to see its stories told and its reality reflected in the media. As this study demonstrates, local news stories are quite well represented, at least in the Montreal and Quebec City regions. General interest stories and documentaries about important people and events - both current and historical - are far less frequent. When they exist, they are not widely distributed. The Internet age provides a wide variety of distribution possibilities. Local production in any part of Quebec, created in any media, could be widely distributed via an integrated community media platform.

As difficult as it is to establish exact numbers for English-speaking individuals, particularly when they are bilingual, it is far more difficult to define the 'language' of film production. For example, an individual may self-identify as English-speaking yet work with a French-language production house on a production shot principally in English, or vice versa. The *Broadcasting Act* outlines a complex set of regulations that define regional and linguistic production standards. An altogether different set of regulations define the support available to official language minority communities, through the *Official Languages Act*.

Until recently, film and television producers represented themselves in an ad hoc fashion on specific issues such as provincial tax credits. The principle concern of industry professionals is English-language production in Quebec, which stimulates the local economy and creates jobs.

A film that uses Montreal as a backdrop for a story set in Vienna, Tokyo or 'generic' USA is still local production. The interests of 'community' and 'industry' are not synonymous, although they overlap in the desire to see more local production.

Community representation

During the past two decades, Quebec's English-speaking minority has steadily rebuilt and repositioned itself. English-language film production in Quebec reached a peak in the late 90s and has been in decline thereafter. The creation of ELAN in 2005 provided a forum for dialogue and representation of both producers and community. ELAN has few resources for this work, but has become aware of potential partners and community benefits that this study seeks to identify and document.

ELAN works with the Quebec Community Groups Network (QCGN) to identify and represent the interests of Quebec's minority language media community - the audience - and to promote policies which foster regional reflection in content and represent OLMC cultural issues that otherwise would not find a champion.

ELAN focuses on the goal of regional reflection in content and leaves economically-based industrial issues to the OLMC production industry. Industry professionals have some interest in promoting regional content reflection, but thus far, have shown virtually no interest in community production, which has historically been mostly volunteer-driven.

Industry Representation

Faced with production expenditures that have decreased by almost 50% over the past decade, Quebec's English-language production industry has recognized the need to organize itself on a formal basis. The local chapters of the Alliance of Canadian Cinema, Television and Radio Artists (ACTRA) and the Director's Guild of Canada (DGC), as well as a number of OLMC producers, representing over half of Quebec English-language production, have joined forces to form the Quebec English-language Production Committee (QEPC).

"We've been in frequent communication. But this has been with the DGC or ACTRA or ELAN or the ad-hoc committee or QEPC, and sometimes it's all of them together. Sometimes it's just one of these. Compare this to the French OLMC community where there is just one interlocutor, the Alliance.

I'm not saying this is a key to success, but this is a difference that I see. In the French OLMC there's one group that clearly represents the community, and in the English OLMC there are many groups. One challenge in Montreal is that producers are members of the APFTQ or the CFPTA or both, but neither of these associations is in a position to vigorously pursue English Quebec production issues. The minority French producers are in one association."

Stéphane Cardin, VP, Canada Media Fund

In 2008, the ad hoc group, which would become the Quebec English-language Production Committee, successfully lobbied the Quebec Government for higher domestic tax credits. Over the last three years, this change in the tax credit has resulted in an increase of \$60 million in provincial tax expenditures. About \$15-18 million of this went to OLMC production.

Since then, QEPC members have shifted their sights to the Federal Government, arguing that s.41 of the *Official Languages Act* should be used to increase OLMC production in Quebec. To that end, QEPC has filed a complaint with the Office of the Commissioner of Official Languages (OCOL) to change the English-Quebec policies of the Canada Media Fund. The OCOL report on this complaint has not yet been released.

“What the community has done well is document its position, including the “Going, Going, Gone” report with others since.

The initiative of going to OCOL was a positive one as it will resolve the debate as to whether or not the Act applies. The commissioner will make that determination and based on his recommendation actions will take place.”

Stéphane Cardin. VP, CMF

Whether the *Official Languages Act*, which was designed to protect language rights of individuals and communities, can be applied to defend the professional interests of the production industry remains to be seen. The QEPC has also been active with the CRTC on other issues, most recently as an intervener at the licence renewal for the CTV (Bell Media) and the Global Television (Shaw Media) networks.

4) Network Television Production and Programming

The Montreal outlets for three national English-language networks rarely produce network programming in Montreal. The last two TV series identifiably set in Montreal seem to have been *Urban Angel* (15 episodes produced by Canadian Broadcasting Corporation [CBC] and Telescene Film Group Productions in 1992-93) and *Ciao Bella* (13 episodes, CBC/*Société Radio-Canada* [SRC] double shoot, produced by Cirrus Communications in 2004). The multi-lingual station Metro 14 (formerly CJNT) is not now producing original programs in Montreal.

Montreal Gazette columnist, Brendan Kelly, revealed his frustration with this situation in his article on December 4, 2010, titled *Montreal is missing from the programming map*. He wrote:

“When was the last time you saw a television series set in Montreal on CBC, CTV or Global? Exactly my point. You haven’t caught a glimpse of a drama or comedy show based in our fine city in years and years for the very simple reason that the national TV networks have basically abandoned Montreal....

This week I talked to programming executives from the three major national broadcasters and the most recent network series set in Montreal that anyone could come up with was *Urban Angel*...that ran on our national public broadcaster in 1991-2. Since then, nothing. Nada. It's downright bizarre, no? Why wouldn't the networks want to occasionally- like, I don't know, say once every five years- set a show right here in what most of us believe is the country's sexiest, most exciting burgh?"

We now look at some of the issues related to Quebec OLMC national television network production and possible remedies for the lack of cultural reflection and decreased production.

Local Programming Improvement Fund

CRTC created the Local Programming Improvement Fund (LPIF) in 2008 to provide support for small non-metropolitan markets. CRTC Broadcasting Public Notice 2008-100 defined non-metropolitan markets as those television markets in which the population with a knowledge of the official language of the station (i.e. English or French), as defined by Statistics Canada, is fewer than one million. For official language purposes, Canada uses two language definitions: 'mother tongue' or 'first official language spoken'. The entire English-speaking population of Quebec is calculated at 600,000 by the former and 900,000 by the latter. Therefore English Montreal qualifies for LPIF.

CRTC disagrees. It employs a language definition that calculates that the English-speaking population of the Montreal region alone greatly exceeds 1,000,000. This might seem like a technical difference but this invented definition adds 2 million Francophones to the English-speaking population because they have 'knowledge' of English. This unorthodox and ambiguous definition could classify cities as diverse as Istanbul, Stockholm and Berlin as 'English-speaking' cities. Despite repeated questions and complaints to the CRTC, this indefensible definition continues to exclude English Montreal from non-metropolitan market status and access to the LPIF.

Global said, in its 2010 licence renewal application, that it wants its Montreal station to be eligible for the Local Programming Improvement Fund. Global and ELAN agree that the language definition the CRTC is using for the LPIF is meaningless, at best, and deliberately dishonest at worst. We have heard official and unofficial explanations for this unprecedented and otherwise inexplicable definition. As an independent public organization, whose job it is to regulate and supervise broadcasting systems in service of the Canadian public, the CRTC has a responsibility to operate under nationally accepted standards for defining language use as the basis of LPIF allocation.

CTV received \$23 million in LPIF revenue in 2010, and Global had \$7 million, but none of this was allocated to the official language minority in Quebec.

Regional Reflection

As an OCOL audit reported in 2007, the CRTC has not clearly defined its term “regional reflection”. The CRTC definition is based on location of principal photography, an industry definition, which ignores the content/story of the production. A film shot in Montreal as a backdrop for a story set in Vienna, Tokyo or 'generic' USA is still classified as “local production” and “regional reflection” from an industry perspective.

18 to Life is set in an unidentified city, though shot in Montreal. Similarly, *Flashpoint* or *Rookie Blue* reflect Toronto only if the viewer recognizes the skyline of the city or the streetcars. Otherwise, the scripts carefully edit out local references. Compare that to American programs like the *CSI* franchise which make Las Vegas, Miami, or New York integral and identifiable parts of their stories.

The official-language minority - the audience - has requested that CRTC define “regional reflection” based on content but as yet, the production industry has not favoured a content definition, believing that generic and unidentified program locations enhance the sales value and co-venture options of these series in the American market. CRTC considers that imposing 'content' requirements exceeds its mandate. Given that there is no political will to monitor content, the impetus to promote regional reflection will need to come from local creators and producers, who see the value in developing connectivity with local audiences.

Market Presence

The concept of a broadcaster's “market presence” conferring responsibility for regional reflection was first raised in CTV's 2001 licence renewal (CRTC Broadcasting Decision 2001-457 #49). The CRTC stated that:

“In the [1999] *Television Policy* the Commission expressed the view that audiences have a strong desire for a better reflection of Canada's regions to the country as a whole, and set out a flexible, incentive-based approach to achieve that goal. Given that approach, the Commission considers that the imposition of specific regional production quotas would not be in keeping with the spirit of the *Television Policy*. The Commission is, however, of the opinion that CTV should be expected to engage in a level of production activity that is commensurate with its presence in its respective markets. The Commission therefore expects CTV to commission its priority programming from all regions of Canada, throughout the course of the new licence term.” (Emphasis added)

Since 2001, the CRTC has made changes to its approach to Canadian content, reducing from a 60% quantitative time quota to a 55% time quota with a minimum Canadian expenditure requirement of 30% of revenues. Under the new regime (Broadcasting Regulatory Policy 2010-167) no specific level of regional or OLMC programming is required. Instead, the Commission decided that regional production will be defined at each licence renewal hearing for each station group. In BRP 2010-167, #97, the Commission explained that it:

“...expects the major television groups to commission programs of national interest from all regions of Canada, engaging in levels of production activity that are commensurate with their presence in their respective markets.”

Although it has been an aspirational goal for ten years, the CRTC has still not defined the concept of “market presence”. The eventual definition is likely to conform to the industry preference for 'local production' rather than the community preference for 'local content.' The effort required to monitor and intervene in these individual licence renewal hearings places an enormous burden on the resources of community organization like ELAN and professional associations like QEPC.

Tangible Benefits

Over twenty years ago, the CRTC established a 'tangible benefits' policy (CRTC Broadcasting Public Notice 1989-109) that was designed to allow the market to govern the transfer of broadcasting assets while recognizing that those assets allow licencees to benefit from the use of public property, namely, radio frequencies. In CRTC BPN 1999-97, the value of this transfer of public property was set at a minimum of 10% of the cost of a transaction.

This 'tangible benefits' policy should be used to identify and promote the interests of the local market/community. Recent developments offer potential opportunities for Quebec's OLMC.

Bell Media (CTV)

Bell Media purchased the CTV network and its specialty channels in 2010. The CRTC accepted this purchase in CRTC Broadcasting Decision 2011-163 on condition that Bell Media spend \$245 million in 'tangible benefits' over the next seven years. This decision has a potential impact on Quebec OLMC television in several ways.

First, Bell promised to spend \$100 million on programs of national interest (PNI) over this period, or about \$14 million per year. PNI are mainly drama and long-form documentaries. However, there is no regional or OLMC allocation for these expenditures. Therefore, ELAN will use every opportunity, such as relevant CRTC hearings, to request that the CRTC define the Quebec OLMC's share of this money.

Second, Bell promised to spend \$60 million to subsidize the carriage of eligible local or regional television services on its direct-to-home satellites. These services would include unbranded community channels. Therefore, if an English-language community channel is licenced, ELAN will encourage its distribution across Quebec via the Bell direct-to-home satellite.

Third, Bell promised to spend \$3 million to establish an independent Canadian Broadcasting Participation Fund (CBPF) that would support the participation of public interest groups in CRTC proceedings. This fund could be of great benefit to the Quebec OLMC in furthering its case before the CRTC. Therefore, ELAN's Media Working Group should establish its eligibility as a

designated public interest group, and diligently apply for available funding to be able to intervene at relevant CRTC proceedings.

Shaw Media (Global)

Shaw Media purchased Canwest Global in 2010, and this transaction was approved by the CRTC in CRTC Broadcasting Decision 2010-782. The total value of the 'tangible benefits' package is \$180 million to be spent over seven years. Of interest to the Quebec OLMC would be at least three 'tangible benefits'.

First, Shaw promised to spend \$45 million on new two-hour morning newscasts, five days per week in six cities, including CKMI in Montreal. This would be in-house production, but Shaw promised that the morning program would continue after the 'tangible benefits' funding had ended.

Second, Shaw promised to spend \$79 million on PNI programming during this period. It did not make specific promises about the level of regional or OLMC production from this money. Therefore, ELAN's Media Working Group should follow up this promise to establish the appropriate level of OLMC production.

Third, Canwest Global had not fulfilled the 'tangible benefits' component, as required under its agreement to purchase Alliance Atlantis Broadcasting in 2007 (CRTC Broadcasting Decision 2007-429). These promises amounted to \$151 million in programming and other benefits. Therefore, it would be advantageous for ELAN's Media Working Group to follow up on the outstanding promises to be sure the Quebec OLMC obtains an appropriate share.

Licence Renewals

As previously noted, Quebec's minority language community lacks the resources to fully participate in the complex process of CRTC consultation on licence renewals. CRTC **has** set up a minority language working group to provide information concerning hearings and licence renewals to interested OLMC organisations. However, the expertise required to monitor these hearings and the effort required to intervene greatly exceeds the capacity of community volunteers.

After three years of active participation, ELAN is doubtful that 'local' reflection of content or decentralization of decision making away from Toronto to the regions is a priority for network broadcasters. In addition, both CRTC and industry professionals have consistently supported a definition of 'regional reflection' that divorces local production from local content. Nonetheless, both ELAN and QEPC have intervened at recent licence renewals.

Shaw Media fulfils its reporting and production requirements commendably. Bell Media uses numbers that are questioned by QEPC, and these discrepancies in data interpretation need to be resolved. The CBC is the least forthcoming with reports and the least transparent in its

operations. We hope the delay of CBC's licence renewal will become an opportunity for CBC to provide the information that has been requested by ELAN and QEPC.

Shaw Media (Global)

In its intervention for the private broadcast licence renewals (CRTC BNC 2010-952), QEPC calculated that Global's CKMI station in Montreal represents about 5% of the network's national audience reach, and 9% of its total independent network production expenditures. Therefore, over its last licence term, Global has been spending a higher share of its national production fees in Quebec than would be justified by its audience reach.

This is a positive situation from the point of view of the Quebec OLMC production industry, but Global's annual production reports should be monitored in case their production expenditures fall below their regional audience. Note, that Global has been publishing its regional production expenditures according to the CRTC's 2003 policy. They are providing a precise accounting of the Quebec OLMC share of their national independent production costs.

Bell Media (CTV)

Based on its intervention at the licence renewal hearing (CRTC BNC 2010-952), QEPC has estimated that a mere 2% of CTV independent network program expenditures were spent in Montreal over the last ten years, while 11% of the network's audience reach is in Montreal. Therefore, to achieve equitable "market presence" in Quebec, CTV would need to increase its expenditures fivefold, to roughly 11%. Bell Media has contested these numbers and argued: 1) a more appropriate measure of market presence is Bell Media's audience in English Québec, which is 4% of Bell Media's total audience for English-language stations; 2) that over the last three years, CTV's independent network expenditures in Montreal have been 4%.

Bell Media's calculations that the 'Anglophone' audience of CFCF in Quebec is about 800,000, is consistent with first official language spoken definition. In contrast, QEPC's calculations are based on the entire population of Montreal.

ELAN accepts Bell's calculations because they are consistent with the argument put forward by ELAN and Shaw/Global: 'language understood' is as erroneous for defining 'market presence' as it is for LIPF purposes. Therefore all definitions should be restricted to native English speakers (i.e. first official language spoken or mother tongue), which would make Montreal eligible for LPIF. The CRTC must use a definition consistent with official language policies.

Canadian Broadcasting Corporation

The CBC's network licence renewal is re-scheduled for fall, 2012. Normally, only a few hours of English-language independent production (via the TV summer series) are generated in Quebec; the rest is in-house. All other independent production is generated centrally in Toronto. The CBC does not have to file an annual independent production report like the private

broadcasters, and Toronto/Ottawa have not responded to requests for this information. ELAN would ideally work with others to get this information filed before the deadline for interventions in this hearing.

On the rare occasions when English-language 'regional' production occurs in Quebec, it is defined by location of production rather than by local or regional content of the English-speaking audience. Therefore, there is little reflection of English-Quebec on our television screens, even on CBC.

5) Community Television

There is no regional or educational English-language channel in Quebec. We do not believe that the political will, or the economic resources, currently exist amongst broadcasters and government to create a provincially funded regional or educational channel. Therefore, the best strategy may be for Quebec's English-speaking community to concentrate its limited resources - at least in the short term - on community television, radio, print media, and internet, in order to provide regional reflection and local content which can be distributed via a community media platform.

Background

The community/access television model of the 70s and 80s is not popular with current-day cable owners, who prefer 'network' content rather than 'local' content. Before 1997, CF Cable operated a community channel that was 50% English and 50% French on a budget of roughly \$5 million per year. According to their former manager, CF Cable's West Island subscribers were half Anglophones and half Francophones. There was a great deal of interest in the channel within the English community, and no difficulty in finding volunteers.

New models are developing in the 21st century due to: 1) enormous reductions in the cost of production equipment, and 2) new distribution possibilities via internet.

Bell

The tangible benefits required by Bell in CRTC Broadcasting Decision 2011-163 (March 7, 2011) opens the door to satellite carriage of "non-branded community-based television services" on Bell's direct-to-home (DTH) satellite by August 31, 2012, without charge. This policy could allow distribution of a Montreal-based community TV channel to OLMCs across the province. A link in the other direction, to the community channel head-end, is technically possible (although currently prohibitively expensive) so that off-island OLMC programs could be included in the West Island community channel schedule.

Télévision Communautaire Frontenac (TCF)

TCF is distributed by VDN Cable, which was acquired by Bell. It provides service to approximately 300 large apartment buildings in 11 boroughs and previously independent cities that were merged into the Island of Montreal. TCF has its offices in one of these apartments. VDN provides a fixed monthly amount that funds TCF. They also receive a grant of \$20,000 per year, from the Quebec government, which requires that the TVC produce at least 4 hours of programming per week. These 4 hours consist exclusively of original production. TCF currently broadcasts in French only, but they are interested in making their technical facilities available to external producers who will undertake English-language production.

Concordia University Television (CUTV)

Created in 1969, CUTV underwent a major revitalization in 2009: new equipment was acquired in 2010 and more than 200 volunteers trained in video production. In March 2011, CUTV was producing 90 minutes of TV per week (i.e. 30 min news, 30 min arts and culture, 30 min film review). CUTV is aiming to reach 4 hours of production per week and then will approach a cable network about distribution. CUTV intends to steadily increase production and provide a voice for the English-speaking community. All programming information and their programs are available via the website. CUTV could become a cornerstone of the Media Working Group.

Vidéotron

Vidéotron purchased CF Cable in 1997, and closed down this local community channel. It was replaced by their province-wide VOX community channel. VOX operates uniquely in French within the Montreal region and throughout most of Quebec. There have been occasional English programs on VOX, in Vidéotron's Longueuil or Sherbrooke service areas.

"The Vidéotron market is primarily Francophone. There are only very few Anglophone subscribers. Even in the West of the Island of Montreal, most Anglophones subscribe to Bell or are in the grey satellite market. Currently there appears to be a cleavage in subscribers between Bell and Vidéotron with Bell being more popular in the Anglophone community and Vidéotron more popular in the Francophone community. But much of the Anglophone community has gone to Toronto. The Anglo community does not care about Montreal. If they came to Videotron with show ideas it would certainly be possible."

Eric Fournier, Manager, VOX

At the request of CF Cable's new owner, Vidéotron, CRTC decided to create a single cable licence area or zone on Montreal island in 2003 (CRTC Broadcasting Decision 2003-523) and confirmed this zone in the Vidéotron licence renewal (CRTC Broadcasting Decision 2006-613). As a result, there is probably no "anglophone market" licence area in Quebec defined as 50% or

more mother tongue English-speakers. The English-language community on the West Island is now submerged in the total Montreal island Francophone population.

VOX states it has not received any proposals for English programs out of 600 community TV proposals it receives each year, nor any interest in English programs except from ELAN. The current manager of Concordia University Television (CUTV) told us:

“At the present time CUTV produces the most original content of any university affiliated TV station. NUTV in Calgary recently went on air with SHAW but had to begin court proceedings to force SHAW to carry their content. CUTV envisages similar difficulties in their dealings with VOX.”

Laura Kneale, Manager, CUTV

CUTV has a long history with VOX. The former CUTV Station Manager told the CRTC at the community TV policy hearings last year:

“Our production efforts were prolific. In the span of a year, we produced over 100 pieces of video content in partnership with community members ranging in length from 3 to 15 minutes. At the time, we had Montreal’s only regularly-produced English televisual news program. Our content was certainly a fit for community television.

Sadly...we had no viable means to share it with the public. We made several attempts to enlist the help of Canal-VOX...Unfortunately, after much time and wasted effort, we could not land any of our ‘locally produced, locally-reflective community programming’ on the sole community conduit here in Montreal.”

Jason Gondziola, former Manager, CUTV

Given that 93% of Quebec Anglophones live in Vidéotron service areas, and that 20% of Videotron subscribers in the Montreal area are Anglophone, and that there has not been an English-language community channel available in Quebec since 1997, Vidéotron's failure to serve Quebec's OLMC needs to be corrected. Overcoming this roadblock to English-language community TV in Quebec will be difficult, despite public statements made by Vidéotron that English programming is welcome on VOX.

Consequently, we believe the primary short-term objective of ELAN’s Media strategy should be the establishment of an English-language community television channel in Quebec. Is such an ambitious project realistic? We believe it is, but only if the CRTC follows through on the opportunities they have made possible in their community TV policy.

6) CRTC Community TV Policy

In CRTC Community Television Policy BRP 2010-622-1 (September 13, 2010), the Commission stated that community channels should reflect the official languages of the community, and that a broadcasting distribution undertaking (BDU) may distribute two community channels in a given market, one in each official language. To pay the cost, the BDU can allocate up to 2% of their total revenue to each channel out of the 5% they are required to spend on Canadian content.

This Policy also outlined the rules to establish a “local not-for-profit community television corporation (TVC) in a given licenced area...” As pointed out above, Montreal island has been zoned as a single licence area.

Given the loss of the CF Cable West Island licence area with the zoning of Montreal island into a single licence area, it is more likely that an English-language community channel can be established if the TVC were to use the objectives of the community TV regulations BRP 2010-622-1 to demonstrate that the official-language minority community in Montreal is not being reflected as it should be.

In addition to the official language minority issue, in Broadcasting Order 2009-544 (August 31, 2009), the CRTC established that 60% of community channel programming must be reflective of the community, and produced within the BDU’s service area. According to one interviewee, Videotron’s program schedule across the province is nearly identical in each service area. Consequently, our research indicates that VOX does not meet this obligation.

Therefore, it should be possible for a TVC to demonstrate a) the failure of Videotron to meet the minimum requirements of the CRTC’s community channel policies, and b) the failure of Videotron to meet the requirements of the Official Languages Act.

The TVC may then be able to request a licence to operate an independent English-language community channel in Montreal. If licenced, this channel would have to be carried by Vidéotron on basic, along with VOX.

Specifically, the English-Montreal TVC should receive up to 2% of Videotron’s total revenues in the Montreal licence area. French-language VOX would receive up to 2%, and CMF or other licenced independent production funds would receive the balance, or 1%.

Using the satellite carriage rules CRTC just issued for the Bell 'tangible benefits' (see CRTC Broadcasting Decision 2011-163 below), Vidéotron might be required to carry the English-Montreal TVC for Anglophone communities off-island.

Under CRTC BNC 2010-623, the Commission is considering a policy to support local reflection from a fund (for independent non-profit community channels) which would be created out of

0.5% of BDU revenues. This would reduce the money available for community TV channels to 1.5%. Their decision has yet to be announced.

Therefore, it is not unreasonable to expect the CRTC will fulfill the goals of its own community TV policies. In order to achieve this, ideally, CRTC would:

- a) licence an English-Montreal TVC;
- b) require that Vidéotron carry an independent English-language community channel operated by this TVC in the Montreal zone, possibly as a condition of licence at Vidéotron's licence renewal in 2013;
- c) require that Vidéotron pay 2% of its Montreal island revenues to fund it; and
- d) take into account the recent precedent for Bell Media to carry independent community channels.

7) New Platforms for TV

Webcasts

A growing number of television producers are creating content directly for the Internet. It is not yet clear whether the business model expects these productions to become economically viable via the Internet, or rather, if these productions are designed to create visibility and credibility that can be monetized on other platforms.

Kidnapper Films

They started out as a comedy troupe that began to film skits in snippets for the Internet and graduated to feature films and television series.

The Bitter End

This improvised sit-com began as a live show and has continued as an online series, attracting a solid audience and rave reviews in the mainstream media: "The funniest Canadian sitcom of the year", according to *The Montreal Gazette*. <http://thebitterend.tv/>

Montreal Hearts

Another comedy troupe producing a web-based series and attracting a significant following.

8) Radio

CBC

Unlike television, CBC Radio One, Two and Three networks all create significant local content, particularly in arts and culture, music and variety programming. CBC Radio is more likely than TV to cover stories outside Montreal, particularly in the Quebec City region. The CBC website is a good vehicle for dissemination of content and it is widely available.

Astral Group (CJAD, CHOM and Virgin Radio)

The Astral Group is interested in building stronger links with the Montreal community, which could include making studios and interns available for producing radio content about communities (e.g. Irish, Greek), districts (e.g. St Henri, Mile End), arts and culture (e.g. interviews and profiles), as well as local news.

The English-speaking community, particularly off-island, would be most likely to access these capsules on-line which is a problem for Astral because they cannot count web-traffic in their ratings and are reluctant to emphasise web traffic if it reduces radio listeners. To be studied.

Community Radio

The Quebec Association of Anglophone Community Radio (QAACR) has devoted years to developing a Micro Radio project that would permit communities to broadcast locally from three sources:

- local production (i.e. events, news, interviews)
- content from other members of the network
- content from outside sources (e.g. ELAN, CBC, Astral) that is made available to the network.

If this project receives funding, it would enable the creation of a pool of audio content for Quebec's English-speaking Community.

New and archival content could be aggregated and distributed via this community media platform.

9) Community Media Strategy

Community Television

A community television channel based in Montreal would form the backbone of a community media project. Such a television channel may be delivered by internet, cable, and satellite, or even off-air. This community channel should include the possibility of TV distribution by any means. We suggest this project include audio programming and community radio, perhaps in partnership with other producers and broadcasters.

The TVC might form a partnership with Concordia University Television. This student-run television station has a budget from student fees of \$120,000 per year and plans to expand its production to up to 4 hours of programming per week. Concordia students, graduates and other community members may gain access to their studio and equipment.

Consequently, we believe the primary short-term objective of ELAN's Media strategy should be the establishment of an English-language community television channel in Quebec. The main objective should be original content that reflects the English-speaking and other minority communities.

To achieve this independent English-language community TV channel, we propose that ELAN's Media Working Group:

- a) identify potential partners interested in such a community television channel, such as the Concordia University Television (CUTV), NFB, CACTUS, QCGN, and others;
- b) intervene at relevant CRTC hearings to further this objective;
- c) work with partners to establish a charitable foundation to support OLMC media projects whether connected to ELAN or not, and find other start-up funding;
- d) work with interested partners, such as CUTV, to create a TVC capable of operating an English-language community channel; and
- e) put these pieces together, including an application for a TVC licence, at the latest before the expiry of Videotron's current Montreal cable licence in 2013.

Whether the CRTC would licence an independent OLMC community channel, licence an English version of Videotron's VOX, or accept a few hours of English on the French-language VOX channel, is the question.

Community Radio

Similarly, it is possible to create a network of radio content via existing sources (CBC, Astral and ELAN content on websites) and future infrastructure (the micro radio project).

Community Media Platform

All of the community media - TV, radio, and web-based - should be distributed via a shared platform that is available to Quebec's entire English-speaking community. Ultimately, the distribution of the content produced for these various media should be inter-connected and seamless. Print media should also be linked.

10) Media Funding for Quebec's English-speaking Community

BDU Funding

As discussed above, CRTC community TV policy requires that BDUs carrying a licenced OLMC community channel pay 2% of its revenues in the licensed area to support a channel such as this. In the case of the Montreal island zone, this would provide a substantial amount of money to cover operational expenses once the channel was up and running.

Provincial Funding

Quebec's Cultural Affairs Ministry is prepared to give TVCs that produce at least 4 hours of programming per week, \$300 per hour or \$20,000 per year. One interviewee suggested an OLMC community channel could request more money on a demographic split.

"An ideal community television station would provide inter-generational programming. It would have a cultural perspective. It could provide regional programming. It could use satellite technology to simulcast regional programming to the regions concerned.

One of the very strong levers in lobbying the Provincial government is an unofficial formula that the percentage of funding to English programs should compare with the size of the English population in Quebec. This is about 10%. This would be quite a significant lever to go to the provincial government and ask for 10% of the total budget for that of the Francophone community stations."

Noel Burke, Dean, School of Extended Learning, Concordia University

A Community Media Foundation

It was discovered in this study, that a good deal of radio production with strong local content is being created, which could be more widely distributed via the web. A web-based cyber portal could be created to aggregate existing content and make it available to all English-speaking communities throughout Quebec.

The more difficult work- stimulating greater production and new forms of distribution- requires a community vision and voice which does not currently exist. The strongest solution is to create a community media foundation which would provide a focus for the many activities currently taking place. This community media foundation would bring together community interests, industry expertise and regional perspectives for the benefit of all.

The board and members of a media foundation would provide vision and expertise to defend the interests of Quebec's English-speaking community with authority and credibility. A permanent structure would provide much needed persistence and continuity.

The media foundation could also apply for charitable status in order to raise money for the implementation of a community media strategy. The Canadian Revenue Agency has made the approval of charitable status for cultural organizations more difficult in recent years. Both CKUT-FM and ELAN have had applications refused within the last three years. Had their status been approved, financial contributions to the charity could have been used to fund a broad range of activities within their respective organizations. A foundation with a mandate to provide support to the English community media in Quebec as a whole might have stronger grounds for obtaining charitable status.

Research will be undertaken by ELAN to determine the feasibility of creating such a foundation and obtaining charitable status. ELAN will send an invitation to community and industry leaders in 2012 to examine the benefits of creating a Media Working Group. Some of the work outlined in this media strategy can be conducted by ELAN, QPEC and QCGN, but establishing a major media presence will require new resources and partnerships.