

ENGLISH-LANGUAGE **ARTS** NETWORK

January 23, 2009

Konrad von Finckenstein
Chair
Canadian Radio-television and
Telecommunications Commission
1 Promenade du Portage
Gatineau, Quebec
J8X 4B1

Dear Mr. von Finckenstein,

Re: Information Requested from ELAN Concerning CRTC 2008-12

The English-language Arts Network of Quebec appreciates the opportunity you offered to us to clarify comments we made in our intervention of November 20, 2008, and to answer questions you posed to us at our appearance on January 15th. We also realized at the hearing that we could step outside of the bounds of the Broadcasting Act since you are making recommendations to the Minister of Canadian Heritage as requested by Order in Council 2008-1293.

Therefore, we would like to add the following clarifications and recommendations to our intervention.

1) Recommendations to the CRTC

a) We request that the Commission modify its Public Notice 1999-205 on regionally-produced programming by changing the regional definitions to the following:

“English-language programs at least 30 minutes long (less a reasonable amount of time for commercials, if any), a) that are produced by an independent producer whose headquarters is located inside the province of Quebec, **or** b) in which the principal photography occurred in Canada at a distance of more than 150 kilometres from Toronto or Vancouver, shall be considered a regionally produced program. Programs in which the principal photography occurred on Vancouver Island will also be considered regionally produced programs.

French-language programs at least 30 minutes long (less a reasonable amount of time for commercials, if any), a) in which the principal photography occurred in Canada at a distance of more than 150 kilometres from Montréal, **or** b) that are produced by an independent producer whose headquarters is outside of the province of Québec and a majority of whose productions are in French, shall be considered a regionally produced program.”

b) We note, according to the broadcasters’ 2006-7 independent production activity reports, that Quebec producers received 4% of Global’s regional license fees. Quebec and Atlantic regional production is not broken out by budget or license fees in CTV’s report, but 10% of CTV’s regional program hours are in Quebec. We do not have the equivalent figures for CBC. Therefore, we request that the CRTC require greater consistency and transparency in these statistics even if the broadcasters believe there is a competitive reason for their current secrecy.

c) We request that the Commission require that a minimum of 15% of total Canadian licence fees issued annually by English-language stations or networks broadcasting in Quebec be produced by independent Quebec producers. We further request that this requirement become a condition of licence for each station or network.

d) We request that the Local Programming Improvement Fund regulations be modified so at least 15% of the total production be directed at the official language minority production in each language.

e) We request that the Commission require a minimum of 60% of the total financial expenditure on programming by English-language over-the-air broadcasters licensed in Quebec be Canadian.

2) Recommendations to the Minister of Canadian Heritage

a) We support Recommendation 1 of the Office of the Commissioner of Official Languages Report “Shadows Over the Canadian Television Landscape” (January, 2009) which states on page 30:

“The Commissioner of Official Languages recommends that the Department of Canadian Heritage, working with professional associations and federal departments and agencies that are responsible for television production, strengthen their coordinated strategy in order to better support the production and broadcasting of television products from official language minority communities and overcome barriers that have been identified.”

b) Therefore, in line with this Recommendation 1, we request that the Commission recommend to the Minister that he negotiate a protocol for collaboration with the English-language community in Quebec along the lines of the Canadian Heritage “Agreement for the Development of Francophone Arts and Culture in Canada” negotiated in 1998 with francophone minorities.

c) We request that the Commission recommend to the Minister that he sign a letter of agreement with the Canadian Television Fund requiring that the Fund apply the Official Languages Act to its operations, and allocate at least 15% of its total program expenditures to official language minority production, i.e. French outside Quebec and English inside Quebec.

d) Our recommendation (c) above should apply to both public and private streams if the CTF is re-organized along the lines already recommended to the Minister by the CRTC. However, ELAN hopes that such a public/private re-organization of CTF won't happen because public broadcasting is essential to our communities, and the danger that funding for the public stream would be frozen or reduced is too great a risk from this re-organization.

We appreciate the opportunity to clarify these issues.

Sincerely,

English Language Arts Network of Quebec