



November 13, 2012

Mr. John Traversy
Secretary General
Canadian Radio-television and
Telecommunications Commission
Ottawa, Ontario K1A 0N2

Filed Electronically

Dear Mr. Traversy:

**Re: Broadcasting Notice of Consultation CRTC 2012-560
Items 1 and 2: OWN Inc. and G4techTV - Show Cause Hearing
References 2012-1233-1 and 2012-1235-7**

1. These are the comments of the Canadian Media Production Association (“the CMPA”)¹ respecting the above-noted items announced in Broadcasting Notice of Consultation CRTC 2012-560 (“the Notice”).
2. In the Notice, the Commission has called OWN Inc. and G4techTV to a public hearing commencing 11 December 2012 to show cause as to why:
 - The Commission should not issue a mandatory order pursuant to section 12 of the *Broadcasting Act* (the Act) requiring each licensee to adhere to its respective nature of service definition; and
 - The Commission should not suspend or revoke each licensee’s respective licence pursuant to sections 9 and 24 of the Act.
3. The CMPA understands that this proceeding will only address these two narrow, albeit important, issues, and that this is not a proceeding to consider applications by OWN Inc. or G4techTV to either amend their respective Nature of Service definitions or to re-categorize their services, for example as Category Bs. Accordingly, the CMPA is not commenting herein on the appropriateness of such applications or the concerns that they would raise for the Canadian broadcasting system and the integrity of the Commission’s licensing process. Such issues as the proper categorization of a programming service and its associated Canadian programming support obligations are

¹ The CMPA represents the interests of screen-based media companies engaged in the production and distribution of English-language television programs, feature films, and new media content in all regions of Canada. The CMPA’s member companies are significant employers of Canadian creative talent and assume the financial and creative risk of developing original content for Canadian and international audiences.

important matters which the CMPA and others, no doubt, would wish to address, but in the proper forum. We therefore reserve the right to comment on those and other related matters in the event the Commission chooses to conduct a further proceeding in the future to consider such applications, if filed.

4. The CMPA also understands that this proceeding is not a policy hearing respecting the maintenance or application of the Commission's current genre exclusivity policy. In that respect, we note that the CRTC's current 3-Year Plan² indicates that the Commission will review its "Genre Protection Policy for specialty television services" in the 2013-2014 timeframe. For that reason, we urge the Commission to refrain from allowing the licensees to turn this Show Cause proceeding into a forum to advocate for changes to that current policy.
5. As regards this particular and narrowly-focused Show Cause proceeding, the CMPA supports the Commission's enforcement of its rules respecting a licensee's Nature of Service definition and would support the Commission taking measures to ensure that licensees do not abuse the Commission's rules and policies in that respect.

Sincerely,

original signed by

Michael Hennessy
President & CEO

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² <http://crtc.gc.ca/eng/backgrnd/plan2012.htm>.