



3 May 2013

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

Filed Electronically

Dear Mr. Traversy:

**Re: Part 1 Application: Bell Media Inc.
Amendment of a condition of licence: Book Television
Application 2013-0493-0**

1. In the above-noted Part 1 Application, Bell Media Inc. (Bell) seeks to amend the licence for the Category A specialty service, Book Television, in order to increase the amount of Category 7 (drama) programming permitted on the service from 35% to 50% per broadcast week, and to delete its Condition of Licence which limits the amount of Category 7 programming permitted to be broadcast on the service between 6 p.m. and midnight.
2. The Canadian Media Production Association (“the CMPA”)¹ **opposes** this application as currently filed.
3. Book Television was initially licensed as a Category 1 (now Category A) must-offer service in 2000. At that time, the Commission had high hopes for the service:

The Commission expects that BookTelevision will be an attractive and popular option for the digital television experience in Canada. The licensee’s intention to offer programming entirely related to printed language in an educational context, using the Internet to provide background and conversation, makes this a unique and potentially valuable resource for literacy in Canada.²

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.

² Decision CRTC 2000-451, <http://www.crtc.gc.ca/eng/archive/2000/DB2000-451.htm>.

4. However, whether as a result of a lack of interesting programming, a lack of promotion by the service's various owners over the years, or a lack of viewer interest in the genre, it would appear that Book Television has never met these expectations in any meaningful or measurable way. Notwithstanding that the service has been in operation for some thirteen years now, and has benefited from digital access privileges and genre protection, Bell acknowledges that the service is unappealing and therefore not working. As Bell has confirmed, Book Television continues to suffer from low subscriber penetration; moreover, BBM data shows that the service has failed to attract any measurable audience.³ But rather than admit that the Book Television concept simply does not resonate with Canadians and likely never will, Bell seeks to maintain the service on life support by abandoning its original cross-section of programs and turning the service effectively into a US drama channel.
5. The CMPA submits that approval of this application would simply lead to an increase in US drama series and movies on Book Television, particularly in the evening broadcast period, such that the service would ultimately become a general interest specialty service filling its schedule with foreign fare - likely after such programming has already been broadcast on other Bell Media conventional or specialty services.
6. In this respect, we have no doubt that Book Television would have little trouble finding creative ways to link numerous US series and movies to its Nature of Service obligation to ensure its programs are "based on printed and published works." We note in this respect that the applicant did not offer any examples of the new drama programs it would add to its schedule if given the additional flexibility it seeks: we suspect such examples would demonstrate pretty clearly the tenuous link between the selection of US drama series Bell contemplates adding to Book Television and the niche nature and mandate of this specialty service.
7. The CMPA submits that Bell has not presented any compelling arguments as to how approval of this application would benefit the Canadian broadcasting system and, in particular, Canadian programming. For example, we note that Bell has provided no assurances that any of the increased hours of drama programming would be original Canadian productions.
8. Moreover, just as the CMPA raised in response to Bell's recent application to reduce The Comedy Network's Canadian programming obligations⁴, this application in respect of Book Television is simply an example of Bell re-submitting the same application and repeating the same arguments shortly after its first attempt was denied.

³ Book Television regularly measures zero average minute audience. Source: CMRI (BBM).

⁴ Part 1 Application dated 20 February 2013.

9. In this case, Bell has merely replicated the same language it used in presenting the same request in Book Television’s 2011 licence renewal application.⁵ As it did with almost all other similar applications during the 2011 licence renewal process, the Commission denied Bell’s previous request to add more drama programs to Book Television. In this application, the applicant has proposed no new arguments, or made no new commitments to Canadian programming, that would justify the Commission reversing its recent decision on the matter. As we stated in our intervention regarding The Comedy Channel’s application, it would be extremely bad public policy for the Commission to sanction Bell’s strategy of repeatedly filing the same application with the clear hope that the Commission will eventually be worn down and give in.

Conclusion

10. While it stands to reason that Bell would seek to maintain the Book Television licence as there is clear value in owning a Category A “must-offer” channel, the reality, in the CMPA’s view, is that the particular concept of Book Television has proven not to work in the Canadian broadcasting system. In these circumstances, the CMPA submits that Bell is faced with a hard choice regarding whether it should continue to operate the service, or return the licence to the Commission. Bell should not be given the choice, however, to change the service into something it was never meant to be – unless it makes a clear commitment that its new version will increase the service’s contribution, in a material way, to the use of Canadian creative resources in the exhibition of original Canadian programming.

Sincerely,

original signed by

Michael Hennessy
President & CEO

cc david.spodek@bellmedia.ca

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⁵ See Application 2010-1282-2, as published in Broadcasting Notice of Consultation CRTC 2010-952, <http://www.crtc.gc.ca/eng/archive/2010/2010-952.htm>.