



27 April 2015

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

Filed Electronically

Dear Mr. Traversy:

Re: Part 1 Application (2015-0336-8) - OWN Inc. - Amend conditions of licence with respect to nature of service pursuant to Broadcasting Regulatory Policy CRTC 2015-86 - Let's Talk TV
Procedural Request to stay consideration of the proposed amendment concerning adherence to a Terms of Trade Agreement

1. Pursuant to s. 7 and s. 10(f) of the *CRTC Rules of Practice and Procedure* (the Rules) and to any other section(s) of the Rules as applicable, the Canadian Media Production Association (CMPA)¹ hereby submits this procedural request in respect of the above-noted Part 1 Application (the Application).
2. In the Application, Corus Entertainment Inc. (Corus) proposes to amend certain terms of its licence for The Oprah Winfrey Network (OWN) following changes to the Commission's "genre exclusivity" policy contained in Broadcasting Regulatory Policy CRTC 2015-86 (BRP 2015-86).
3. In addition, Corus seeks to amend condition 14 of OWN's licence such that it will only be required to adhere to a Terms of Trade Agreement with the CMPA until April 29, 2016, and not thereafter. The stated rationale for this amendment is that it is "consistent with paragraph 141 of BRP 2015-86".
4. As the Commission is aware, by Notice of Motion dated 13 April 2015, the CMPA has sought leave to appeal this same portion of BRP 2015-86 – that is, the Commission's

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.

decision that adherence to a Terms of Trade Agreement is no longer required as a condition of broadcasters' licences (the "Decision"). The CMPA has sought leave to appeal the Decision on the basis that it was made without according the CMPA natural justice or procedural fairness and on the basis that the Commission did not have the statutory authority to make the Decision in the context of the hearing in question.

5. Given that this matter is currently before the Federal Court of Appeal, the CMPA submits that it would be unfair to the CMPA, and improper for the Commission, to entertain applications by any broadcaster to amend its conditions of licence on the basis of the Decision. This is particularly so given that the CMPA will be substantially prejudiced if such an application is considered prior to the final disposition of its appeal, *while no broadcaster would suffer any prejudice until at least April 29, 2016 – more than a year from now.*
6. The CMPA therefore requests that the CRTC decline to consider Corus's application to amend condition 14 of OWN's licence or, at a minimum, defer consideration of this aspect of the Application until final disposition of the CMPA's appeal.
7. The CMPA also notes that, by granting the relief sought herein, the Commission would be acting in a manner consistent with its power under s. 10(f) of the Rules in respect of a reference to the Federal Court, namely to stay the whole or any part of a proceeding pending the decision of the Court.
8. The CMPA requests that the Commission resolve this matter expeditiously in light of the pending 25 May 2015 deadline for comments on the Application.

Sincerely,

original signed by

Jay Thomson, LL.B, LL.M
Vice President, Broadcasting Policy & Regulatory Affairs

cc. Sylvie Courtemanche, Corus Entertainment Inc., sylvie.courtemanche@corusent.com

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