



Broadcasting Notice of Consultation CRTC 2019-379

Renewal of the licences relating
to the Canadian Broadcasting Corporation's
English-language audio-visual services
(Application no. 2019-0282-5)

Comments of the
Canadian Media Producers Association

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TABLE OF CONTENTS

| | |
|---|----|
| EXECUTIVE SUMMARY | 4 |
| CBC PLAYS AN INTEGRAL ROLE IN THE CANADIAN BROADCASTING SYSTEM | 6 |
| THE COMMISSION CAN AND SHOULD REGULATE CBC'S DIGITAL PLATFORMS NOW | 8 |
| EXPENDITURE REQUIREMENTS ENSURE THE PRODUCTION OF ORIGINAL, HIGH-QUALITY CANADIAN PROGRAMMING AND MAY BE FLEXIBLY ALLOCATED ACROSS BROADCASTER PLATFORMS..... | 8 |
| A review of the Commission's approach to expenditure requirements over the last decade demonstrates their efficacy and wide-spread application | 9 |
| CBC's opposition to expenditure requirements is misplaced | 10 |
| Exhibition hours are not as effective on digital platforms | 11 |
| PROGRAMS OF NATIONAL INTEREST AND CHILDREN'S AND YOUTH PROGRAMMING REMAIN IMPORTANT..... | 11 |
| CONDITONS OF LICENCE AND EXPECTATIONS WITH RELEVANT REPORTING..... | 12 |
| CBC English-language conventional television network and stations and digital activities | 12 |
| <i>Independent productions</i> | 12 |
| <i>Programs of national interest</i> | 14 |
| Programs of national interest: cross-platform exhibition hours and expenditures | 14 |
| Prime-time viewing is still important..... | 14 |
| Long-form documentaries and dramas: exhibition hours | 15 |
| Programs of national interest: annual reporting | 16 |
| <i>Children's and youth programming</i> | 16 |
| Children's and youth programming: cross-platform exhibition hours and expenditures | 16 |
| Children's programming: age categories | 18 |
| Youth programming: expectation to broadcast a minimum of 5 hours per week..... | 18 |
| Children's programming: expectation to reasonably allocate hours between preschool and school-age | 19 |
| Children's and youth programming: annual reporting | 19 |
| <i>Feature Films</i> | 20 |
| Reporting on diversity, gender parity, Indigenous, official language minority communities, and regional matters..... | 20 |
| An expectation to exceed minimum levels ought to be maintained | 21 |



Documentary Channel.....21
A TERMS OF TRADE AGREEMENT BETWEEN CBC AND INDEPENDENT PRODUCERS IS
NECESSARY AND THIS CONDITION OF LICENCE OUGHT TO BE MAINTAINED21
Our national public broadcaster ought to set the standard for the industry.....25
Terms of trade agreement for CBC and CMPA25
CONCLUSION26



EXECUTIVE SUMMARY

1. CBC is an integral part of the Canadian broadcasting system and the largest commissioner of programming from Canada's independent producers. Given CBC's expansion to digital platforms since its last licence renewal, this proceeding provides the Commission the opportunity to examine how our national public broadcaster can continue to serve Canadian audiences in accordance with its mandate to provide "a wide range of programming that informs, enlightens, and entertains"¹ on its linear and digital platforms.
2. The CMPA agrees with the Commission that CBC's activities should be regulated in the next licence term "in light of changes to the consumption habits of Canadians" and with a view to, among other things, ensure its programming "reflects and meets the needs and interests of Canadians;" "is of high quality and supports Canadian producers and content creators;" and "is accessible and discoverable across Canada and abroad."²
3. In response to the Commission's stated outcomes,³ CBC is proposing a cross-platform approach to its requirements relating to exhibition hours for programs of national interest (PNI) and children's and youth programming in recognition that it now provides programming to Canadians on both linear and digital platforms.⁴
4. It is the CMPA's view that the Commission can and should regulate CBC's digital platforms now. Pursuant to the *Broadcasting Act*, the Commission has the authority to either license services or exempt services from licensing.⁵ CBC's digital platforms are currently exempt from licensing under the exemption order for digital media broadcasting undertakings (DMEO).⁶ No matter the regulatory vehicle, the Commission ought to impose requirements on CBC's digital platforms to ensure its programming will "be made available throughout Canada by the most appropriate and efficient means and as resources become available for the purpose."⁷
5. While the CMPA generally supports the evolution of CBC's programming services into the digital space, and the notion that the national public broadcaster ought to serve Canadian audiences where they are watching, we have some concerns with CBC's proposed approach to its regulatory requirements.

¹ *Broadcasting Act*, section 3(1)(l).

² BNC CRTC 2019-379, para. 12.

³ As stated in para. 12 of BNC 2019-379.

⁴ CBC is also seeking a cross-platform approach to local programming but the CMPA's comments are limited to PNI and children's and youth programming.

⁵ *Broadcasting Act*, section 9.

⁶ Appendix to Broadcasting Order 2012-409, *Exemption order for digital media broadcasting undertakings*.

⁷ *Broadcasting Act*, section 3(1)(m)(vii).



6. In recent years, the Commission has been shifting increasingly towards Canadian programming expenditure (CPE) requirements, and away from exclusively relying on exhibition hours, to ensure the production and acquisition of, and other investments in, Canadian programming.⁸ An additional benefit provided by CPE requirements is that they may be flexibly allocated across various services owned and operated by a broadcasting licensee.⁹ Following the release of the Create Policy¹⁰, the Commission began imposing CPE as a condition of licence (COL) on all licensed Canadian broadcasters (in addition to exhibition hour requirements) in recognition of the benefits of expenditure requirements. As a result, almost all licensed Canadian broadcasters are now required to achieve certain minimum levels of expenditures on, and exhibition of, Canadian programming.
7. The CMPA submits that the imposition of cross-platform expenditure requirements on PNI and children's and youth programming, in addition to its cross-platform proposal for exhibition hours, would allow CBC the flexibility to choose the appropriate platform (linear or digital) for this programming while ensuring it is investing in original, high-quality Canadian content.
8. We are concerned that the adoption of CBC's cross-platform approach without also imposing expenditure requirements will not help to meet the Commission's stated outcomes of this proceeding.¹¹ Shifting CBC's exhibition hours from linear to digital platforms, without corresponding expenditure requirements, may encourage PNI and children's and youth programming obligations to be filled using lower budget productions—particularly since programming available only on digital platforms tends to be lower budget. It is also unclear how a decreased commitment to PNI in prime time and to original hours of children's and youth programming on CBC's conventional television network and stations would benefit Canadians. Accordingly, we are requesting that the Commission impose expenditure requirements for PNI and children's and youth programming should it adopt CBC's proposed cross-platform approach.
9. With respect to the establishment of an appropriate measurement framework in the next licence term,¹² the CMPA is requesting relevant and more transparent data reporting to allow the Commission and Canadians to better understand how CBC is meeting its COLs and expectations on all platforms.

⁸ Broadcasting Notice of Consultation CRTC 2019-91, *Call for comments on the Commission's policy on Canadian programming expenditures*, (BNC CRTC 2019-91), para. 8.

⁹ This refers to a group-based licence context but the concept equally applies to digital and linear platforms. BNC CRTC 2019-91, para. 7.

¹⁰ Broadcasting Regulatory Policy CRTC 2015-86, *Let's Talk TV, The way forward - Creating compelling and diverse Canadian programming* (the Create Policy).

¹¹ As stated in para. 12 of BNC 2019-379.

¹² BNC CRTC 2019-379, para. 12.



10. Finally, the CMPA submits that the Commission ought to maintain the COL which requires CBC to enter into a terms of trade agreement with the CMPA. Given the privileged position CBC holds in our broadcasting system, CBC ought to set the standard for the industry by consistently treating its programming suppliers fairly, and in a manner that leverages their expertise for the benefit of Canadian programming. A terms of trade agreement between the CBC and independent producers is critical to a vibrant domestic content-creation and production market by helping to ensure that:
- CBC’s programming is of high quality and supports Canadian producers and content creators;
 - the suppliers of CBC’s programming are treated fairly;
 - those who produce programming are able to retain an interest in the intellectual property (IP) in their projects;
 - Canadian programming will succeed abroad; and
 - that the results of that global exploitation will be brought back to Canada to reinvest in the next great Canadian show.
11. For all of the above reasons, the CMPA conditionally supports the renewal of CBC’s English-language audio-visual services.¹³ The CMPA’s proposals will help to ensure that CBC continues to play its integral role in the Canadian broadcasting system, remains an important broadcasting partner for Canada’s independent producers, and achieves the Commission’s stated outcomes in this proceeding.

CBC PLAYS AN INTEGRAL ROLE IN THE CANADIAN BROADCASTING SYSTEM

12. As Canada’s national public broadcaster, CBC holds a special place in our broadcasting system and in our country. In launching the Broadcasting and Telecommunications Legislative Review (BTLR), the Government of Canada stated that it continues to support CBC’s mandate, that CBC should be a leading partner among Canada’s cultural organizations, and that it should play a leading role in showcasing Canadian cultural content.¹⁴ The BTLR Panel itself echoed CBC’s importance in its final report where it stated that CBC “plays a critical role in the current media landscape;” that its “broad mandate has established CBC/Radio-Canada as a key cultural institution in Canada, with Canadian content as its central focus;” and that “[s]ince its inception, it has played

¹³ The CMPA is only addressing CBC’s licence renewal application with respect to CBC’s English-language conventional television network and stations and its digital activities and the discretionary service documentary Channel in this submission.

¹⁴ Innovation, Science and Economic Development Canada. “Terms of Reference.” Available online: <http://www.ic.gc.ca/eic/site/110.nsf/eng/00001.html>.



an important role in producing and promoting all types and genres of television [...] programming.”¹⁵

13. CBC provides a wide range of culturally relevant programming that promotes diversity and connects every region of the country, in a variety of languages, including both official languages. CBC commissions the vast majority of independently-produced programming in Canada. Examples of independent productions available on CBC include dramas and comedies such as *Fortunate Son*, *Kim's Convenience*, *Coroner*, *Schitt's Creek*, *Murdoch Mysteries*, *Frankie Drake Mysteries*, *How to Buy a Baby*, *Heartland*, *Workin' Moms*, and *Diggstown*; documentaries such as *Taken*, *Still Standing*, and *Stats of Life*; children's and youth programming such as *Molly of Denali*, *Endlings*, *Dot*, *Addison*, and *True and the Rainbow Kingdom*. Through this programming, Canadians “see themselves, their interests, their values, and their country come alive.”¹⁶
14. There can be no doubt that CBC is foundational to the health of our domestic industry, and specifically to the creation and presentation of Canadian programming. CBC's role as a public broadcaster contributes to the economy, providing employment, particularly in regions outside of the major production centres of Toronto, Vancouver, and Montreal, and contributing to national and provincial GDP. CBC's economic impact is examined by the CMPA through our ongoing economic impact studies and annual *Profile* reports.¹⁷ Canada's independent producers highly value CBC as a broadcasting partner.
15. Given the significant influence of our national public broadcaster on the creation and presentation of Canadian programming and the important role it plays in our society, we submit that the outcome of the current licence renewal proceeding is critically important. CBC's COLs and expectations must ensure that it can continue to meet its mandate and deliver original, high-quality programming to Canadians in the next licence term.

¹⁵ *Canada's Communications Future: Time to Act*, 3.7 Strengthening the national public broadcaster. Available online: <https://www.ic.gc.ca/eic/site/110.nsf/eng/00012.html>.

¹⁶ CBC Website “Independent Producers.” Available online: <https://www.cbc.ca/independentproducers/>.

¹⁷ The CMPA's economic impact studies related to programs broadcast by CBC include examples such as *Heartland* and *Republic of Doyle: Case Study – Economic Impacts of Heartland*, prepared by MNP LLP for the CMPA in October 2017. Available online: <https://cmpa.ca/wp-content/uploads/2018/04/MNP-2017-Economic-Impacts-of-Heartland-Report-Oct-2017.pdf>; *Case Study – Economic Impacts of Republic of Doyle*, prepared by MNP LLP for the CMPA in November 2016. Available online: <https://cmpa.ca/wp-content/uploads/2018/04/MNP-2016-Economic-Impacts-of-Republic-of-Doyle-Report-Nov-2016.pdf>. *Profile 2018: Economic Report on the Screen-Based Media Production Industry in Canada*, (*Profile 2018*) Prepared by Nordicity for the CMPA, Association québécoise de la production médiatique (AQPM), Department of Canadian Heritage, Telefilm Canada, in 2018. Available online: <https://cmpa.ca/profile/>.



THE COMMISSION CAN AND SHOULD REGULATE CBC'S DIGITAL PLATFORMS NOW

16. In BNC CRTC 2019-379, the Commission recognizes that “[t]he way in which Canadians consume and create content is changing” and indicates that it is considering a regulatory approach which includes CBC’s digital platforms in addition to its broadcasting licences.¹⁸
17. CBC agrees that the Commission should consider both its linear and digital platforms and, in response, proposes that the Commission continue to license its linear platforms and exempt from licensing its digital platforms.¹⁹ In order to bridge its commitments across linear and digital platforms, CBC suggests the imposition of cross-platform expectations on its broadcasting licences for English- and French-language conventional television network and stations for certain types of programming (i.e. PNI and children’s and youth programming).²⁰
18. It is the CMPA’s position that the Commission ought to impose regulatory obligations on CBC’s digital platforms to ensure its programming will “be made available throughout Canada by the most appropriate and efficient means and as resources become available for the purpose.”²¹ In doing so, the Commission may adopt CBC’s proposed approach for cross-platform expectations on its broadcasting licences, it may impose a new exemption order specific to CBC similar to its approach to hybrid video on-demand (VOD) undertakings,²² or it may choose some other mechanism. No matter the regulatory vehicle, the Commission can and should regulate CBC’s digital platforms now.

EXPENDITURE REQUIREMENTS ENSURE THE PRODUCTION OF ORIGINAL, HIGH-QUALITY CANADIAN PROGRAMMING AND MAY BE FLEXIBLY ALLOCATED ACROSS BROADCASTER PLATFORMS

19. Canadian programming expenditure requirements are an effective regulatory tool for the Commission to ensure the creation and presentation of original, high-quality Canadian programming. These regulatory requirements are better suited than exhibition hours to the digital broadcasting environment because of their ability to be applied flexibly across services, whether linear or digital.

¹⁸ BNC 2019-379, para. 11.

¹⁹ CBC Supplementary Brief, para. 15.

²⁰ CBC Supplementary Brief, para. 18.

²¹ *Broadcasting Act*, section 3(1)(m)(vii).

²² Appendix 1 to Broadcasting Regulatory Policy CRTC 2015-355, Broadcasting Order CRTC 2015-356, *Terms and conditions of the exemption order for video-on-demand undertakings*.



A review of the Commission’s approach to expenditure requirements over the last decade demonstrates their efficacy and wide-spread application

20. In 2010, the Commission re-introduced expenditure requirements for Canadian programming on conventional television stations in the group-based licensing policy when it imposed “flexible group CPE” for English-language private broadcasters.²³ In allowing these broadcasters to flexibly allocate expenditure requirements across various television services the Commission stressed the goal of “adaptability to change” as set out in the objectives of the *Broadcasting Act*.²⁴
21. While the group-based licensing policy emphasized flexibility across a *group* of linear services owned and operated by the same licensee, the inherent flexibility of expenditure requirements was a key rationale in the Commission’s decision.²⁵ The Commission stated that “a shift in regulatory focus from program exhibition to program creation will help to ensure the continued presence of Canadian programming options for Canadians, however the broadcasting system may evolve.”²⁶
22. In the 2015 Create Policy, the Commission further entrenched its reliance on expenditure requirements and its views on their efficacy in the digital broadcasting environment by eliminating some of the exhibition requirements for private broadcasters. The Commission stated:

While content quotas of this type may have been useful in ensuring the presentation of Canadian programming in a fully linear television system, they will be a less and less effective tool in an increasingly on-demand environment.

Moreover, quotas can also have unintended detrimental effects. Specifically, data from program logs submitted to the Commission shows that on average well over 50% of Canadian programming broadcast on all services in both English- and French-language markets is repeated on the same service or “recycled” from other services. Often a particular episode of a program is repeated numerous times over the course of a day, week, month and even over a period of many years. For some services, these amounts are far higher and more than 90% of Canadian programming is repeat or recycled programming. While this may be a viable business model for some services, the Commission is of the view that original first-run Canadian

²³ Broadcasting Regulatory Policy CRTC 2010-167, *A group-based approach to the licensing of private television services* (BRP CRTC 2010-167 or the group-based licensing policy).

²⁴ *Ibid.*, paras. 42 and 45.

²⁵ *Ibid.*, para. 26.

²⁶ *Ibid.*, para. 9.



*productions add more value to the system; the excessive repetition and recycling of programming appears to do little to achieve the objectives of the Act.*²⁷

23. While the Commission had not deemed it necessary to impose group CPE requirements on French-language private broadcasters in 2010 after the release of the group-based licensing policy because of these broadcasters' strong market-driven commitments to Canadian programming,²⁸ it introduced Canadian programming and PNI expenditure requirements in 2017—at the first licence renewal proceeding for these groups following the Commission's determinations on expenditure requirements in the Create Policy.²⁹
24. Indeed, the Commission has imposed CPE as a COL for almost all Canadian broadcasters at licence renewals following the Create Policy, in addition to exhibition hour requirements. The current proceeding marks CBC's first licence renewal proceeding since the Commission released the Create Policy.

CBC's opposition to expenditure requirements is misplaced

25. CBC has expressly opposed expenditure requirements in its licence renewal application on two grounds: (1) a statement by the Commission in 2010 that "CBC has never had difficulty in meeting its regulatory requirements with respect to Canadian programming or programs of national interest";³⁰ and (2) CBC's view that "[t]he type of regulatory flexibility offered under an expenditure-based group licensing approach would not be relevant to, or appropriate for, CBC/Radio-Canada."³¹
26. The first point, while it may be true, misses the point. A move to expenditures is not a penalty for broadcaster non-compliance with exhibition requirements. Rather, it is a shift in the Commission's policies to ensure the creation and presentation of original, high-quality Canadian programming in an evolving broadcasting environment.
27. CBC's second point focuses on the "flexibility" associated with *group* CPE requirements, but fails to address the systemic benefits of expenditure requirements. The true value of CPE requirements is not only as a trigger for group flexibility for linear platforms, but that expenditure requirements are both better suited to digital platforms and have now been firmly recognized as a superior regulatory tool than exhibition requirements.

²⁷ Create Policy, para. 190.

²⁸ BRP CRTC 2010-167, para 112.

²⁹ Broadcasting Decision CRTC 2017-143, *Renewal of licences for the television services of large French-language ownership groups – Introductory decision*.

³⁰ BRP CRTC 2010-167, para 116.

³¹ CBC licence renewal application, Response - 9 October 2019 - CBC Application Form TV and Radio, Q10.

28. Accordingly, CBC's opposition to the Commission's questions relating to the imposition of expenditure requirements is misplaced and its reasons ought to be rejected.

Exhibition hours are not as effective on digital platforms

29. The Commission has determined time and again that expenditure requirements are more effective in an on-demand and digital broadcasting environment than exhibition hours.
30. To put it simply, there is no true equivalent of an "exhibition hour" in the digital world. An exhibition hour refers to an hour of programming broadcast on linear television where viewers to the same channel are all watching the same thing. Exhibition hours include an innate sense of discoverability because whatever programming is being broadcast is necessarily discovered by viewers. As a result, this discoverability is lost when exhibition hours are seamlessly transferred to digital platforms where you can watch whatever you want whenever you want.
31. In addition, allowing CBC to meet its regulatory obligation by counting exhibition hours on digital platforms, without corresponding expenditure requirements, may mean that CBC could meet those exhibition hours by simply broadcasting lower-budget PNI and children's and youth programming. A shift to digital "exhibition hours" where lower-budget programming is often commissioned certainly does not support CBC's mandate for, of the Commission's stated outcome of, high-quality Canadian programming.
32. For all of the above reasons, if the Commission is inclined to grant CBC's proposal for cross-platform exhibition hour expectations, it should also impose cross-platform expenditure requirements for PNI and children's and youth programming.

PROGRAMS OF NATIONAL INTEREST AND CHILDREN'S AND YOUTH PROGRAMMING REMAIN IMPORTANT

33. The importance of PNI and children's and youth programming in the Canadian broadcasting system is well-documented in the Commission's policies and decisions. The Commission first imposed requirements on conventional television stations relating to underrepresented genres of programming, particularly drama series, documentaries, and children's programs, more than thirty years ago and has continued to apply these programming requirements on various licensed Canadian broadcasters since that time.
34. In the Create Policy, the Commission nicely summarized the importance of dramas, long-form documentaries, and award shows:

The objectives set out in the Act declare that the programming provided by the Canadian broadcasting system should be varied, comprehensive and encourage the development of Canadian expression by providing programming that reflects Canadian values and attitudes. The objectives also declare that the programming should include a significant contribution from the Canadian independent production sector. To ensure the



fulfilment of these objectives, the Commission has encouraged the production of certain types of programs -- drama, long-form documentary, [...] and award shows -- generally through expenditure requirements. These are called programs of national interest (PNI).³²

35. At CBC's last licence renewal, the Commission highlighted the importance of children's and youth programming as part of CBC's mandate to serve all Canadians, especially since this programming has largely been abandoned by other broadcasters:

The national public broadcaster has a mandate to serve all Canadians. As such, the Commission considers that the CBC has a responsibility to provide informative, educational and entertaining programming to Canadian children and youth. This obligation is not only part of the CBC's public service mandate, but is also vital to building its future audience across multiple platforms. While provincial educational broadcasters provide children's programming, such programming has largely been abandoned by private conventional broadcasters. As a result, limited children's and youth programming is available over-the-air across the country. Accordingly, the Commission considers that an appropriate commitment by the CBC to children's and youth programming is all the more significant.³³

36. There can be no doubt that the creation and presentation of PNI and children's and youth programming remain as significant today for our national public broadcaster.

CONDITONS OF LICENCE AND EXPECTATIONS WITH RELEVANT REPORTING

CBC English-language conventional television network and stations and digital activities

Independent productions

37. The CMPA supports CBC's proposals to increase its commitments to independently-produced programming. Specifically, we support CBC's proposed amendments to the following COLs and expectations:

- COL #19: To increase the amount of independently-produced PNI in prime time from 5.25 hours per week to 80% of PNI;

³² Create Policy, para. 276.

³³ Broadcasting Decision CRTC 2013-263, *Canadian Broadcasting Corporation – Licence renewals* (BD CRTC 2013-263), para. 72.



- COL #20: To increase the number of independently-produced children’s and youth programming from 75% to 80% of hours;
 - New expectation: No less than 80% of all audio-visual Canadian content broadcast by CBC on the networks during the broadcast year, other than news, sports, and current affairs programming, be produced by Canadian independent production companies; and
 - New expectation: No less than 80% of all original first-run audio-visual Canadian content made available on CBC’s digital platforms during the broadcast year, other than news, sports, and current affairs programming, be produced by Canadian independent production companies.
38. We are pleased to note that CBC is already achieving these levels of independently-produced PNI in prime time on its conventional television stations. From 2013-14 to 2017-18, the average amount of independently-produced programming for PNI in prime time was 92.5%, with a low of 87.5% in 2013-14 and a high of 94.8% in 2016-17.³⁴ Accordingly, a COL that requires a minimum of 80% of independently-produced PNI in prime time better reflects CBC’s historical levels and ought to be imposed in the next licence term whether CBC’s cross-platform proposals are accepted or not.
39. However, CBC does not report the amount of independently-produced programming outside of PNI in prime time thus we are not aware of the amount of independently-produced programming currently being met in other genres or by PNI outside of this time slot.
40. In order to align CBC’s COLs and expectations with its annual reporting in the next licence term, the CMPA requests that CBC also report on the amount of independently-produced programming for all genres of programming other than news, sports, and current affairs programming on linear and digital platforms.³⁵ This new reporting will allow stakeholders to monitor CBC’s compliance with these COLs and expectations and provide further transparency and trust in the system.
41. In terms of format, we suggest the adoption of the same approach to the “program information” table provided in the new annual production reports for large English- and French-language ownership groups.³⁶

³⁴ The levels of independently-produced PNI in prime time are reported as follows in CBC licence renewal application, “English-language television stations and network: Programs of national interest (PNI) in Prime Time”: 87.5% in 2013-14, 91.5% in 2014-15, 95.5% in 2015-16, 94.8% in 2016-17, and 93.1% in 2017-18.

³⁵ We also support the continued reporting of PNI in prime time.

³⁶ Appendix 6 to Broadcasting Information Bulletin CRTC 2019-304 (BIB CRTC 2019-304), *Production Report to be completed annually by large English- and French-language ownership groups*.

Programs of national interest

42. The CMPA supports CBC's proposal to impose a cross-platform expectation of 10 hours of PNI per week on either CBC conventional television network and stations or digital platforms owned and operated by the licensee, with a minimum COL of 7 hours of PNI per week in prime time, on the condition that the Commission also impose appropriate cross-platform PNI expenditure requirements. As well, we oppose CBC's request to delete the requirement that 2 hours be devoted to each of category 2(b) long-form documentary and 7 drama and comedy per week.³⁷

Programs of national interest: cross-platform exhibition hours and expenditures

43. Currently, CBC is required to broadcast 9 hours of PNI in prime time per week. From 2013-14 to 2018-19, CBC broadcast an average of 10.6 hours of PNI in prime time per week.³⁸ Accordingly, a COL that requires a minimum of 10 hours of PNI in prime time better reflects CBC's historical levels and ought to be imposed.
44. For the next licence term, CBC is proposing a cross-platform approach to PNI exhibition hours so that a minimum of 7 hours of PNI are broadcast in prime time on its conventional television network and stations per week while the remaining balance may be made available on digital platforms owned and operated by CBC.
45. In order to ensure the creation and presentation of original, high-quality PNI, the CMPA requests that the Commission impose expenditure requirements in addition to CBC's proposal for cross-platform exhibition hours. Specifically, the Commission ought to impose a level based on historical PNI expenditures.³⁹ In order to properly assess cross-platform PNI expenditures, we request that CBC provide data on English-language PNI expenditures and English-language audio-visual revenues for its digital platforms for the last three broadcast years.

Prime-time viewing is still important

46. While expenditures help to ensure the creation of original, high-quality Canadian programming, the CMPA is also concerned about the loss of prime-time audiences to PNI should the Commission accept CBC's cross-platform proposal. Even in our increasingly on-demand and digital broadcasting environment prime time obligations remain useful.

³⁷ Appendix 3 to BD CRTC 2013-263, COL #19.

³⁸ CBC licence renewal application, "English-language television stations and network: Programs of national interest (PNI) in Prime Time."

³⁹ Broadcasting Decision CRTC 2018-335, *Reconsideration of licence renewal decisions for the television services of large English-language private ownership groups*, paras. 39-43.

47. According to the Canada Media Fund's (CMF) *2018-2019 Annual Report*,⁴⁰ viewership for Canadian programming during peak-viewing hours on English-language television reached a five-year low in the 2017-2018 broadcast year due to the elimination of exhibition requirements for discretionary services in prime time. Looking specifically at the drama genre, the viewing of CMF-funded content in prime time also declined to a five-year low of seven percent. The CMF points to a significant 45% reduction in the number of episodes of CMF-funded drama aired while acknowledging that it could have been much worse if the majority of viewing hours of dramatic content were not "still derived from conventional services for which CRTC exhibition quotas were not changed." CBC aired five of the top ten CMF-funded programs by average audience size aired during peak viewing, which points to the importance of ensuring that specific programming is available during peak-viewing times where it may enjoy the greatest possible viewing audience hours.⁴¹
48. As well, the CMPA notes that CBC has recently been placing significant emphasis on non-PNI in prime time, including the international format game show *Family Feud Canada*, in an apparent effort to increase ratings and advertising revenues. CBC has expressly stated that it is "pursuing all available opportunities to increase its commercial revenues."⁴² One of the purposes of PNI requirements is to temper broadcasters' tendency to allocate programming expenditures to more lucrative commercial fare; it appears that this concern may no longer be associated with private broadcasters alone.
49. For all of the above reasons, the CMPA requests that CBC explain how its programming strategy for prime-time hours on its conventional television network and stations benefits Canadians if the Commission approves its request to shift PNI to its digital platforms.

Long-form documentaries and dramas: exhibition hours

50. Currently, CBC is required to broadcast a minimum of 2 hours of category 2(b) long-form documentary and 7 drama and comedy within the COL to broadcast a minimum of 9 hours of PNI in prime time. From 2013-14 to 2018-19, CBC broadcast an average of 3.2 hours of category 2(b) long-form documentary and 7.3 hours of category 7 drama and comedy in prime time per week.⁴³ In both cases, we are pleased to note that CBC greatly exceeded the requirements for these program categories. This requirement to ensure a minimum allocation of exhibition hours for long-form documentaries and dramas helps to ensure that both of these important and

⁴⁰ Canada Media Fund 2018-2019 Annual Report. Available online: https://ar-ra18-19.cmf-fmc.ca/audience/audience_results/.

⁴¹ These programs included two one-off specials, *Royal Canadian Air Farce New Year's Eve Special* and *Ron James The High Road (New Year's Eve Special)* and three dramas, *Murdoch Mysteries*, *Frankie Drake Mysteries*, and *Rick Mercer Report*.

⁴² CBC licence renewal application, Response - 9 October 2019 - CBC Application Form TV and Radio, Q7.

⁴³ CBC licence renewal application, "English-language television stations and network: Programs of national interest (PNI) in Prime Time."

vulnerable types of PNI will be made available. Accordingly, the CMPA submits that this COL ought to be maintained for CBC's linear platform in the new licence term.

Programs of national interest: annual reporting

51. As stated in the above section on "independent productions," the CMPA requests that the CBC provide annual reports on PNI (both in and out of prime-time hours) in line with its cross-platform exhibition hours and expenditures for linear and digital platforms in the next licence term.

Children's and youth programming

52. The CMPA generally supports CBC's proposal to impose a cross-platform expectation of required exhibition hours for children's and youth programming on the condition that the Commission imposes appropriate cross-platform expenditure requirements. We also have some concerns with CBC's other proposed changes to its COL and expectations relating to children's and youth programming.
53. While CBC states that it is "doubling down" on children's and youth programming in this licence renewal application and more widely,⁴⁴ its proposed amendments to COLs and expectations for children's and youth programming tell a different story. Accordingly, the CMPA proposes the following changes to CBC's COL and expectations relating to children's and youth programming to help ensure our national public broadcaster is meeting its commitments to children and youth across the country.

Children's and youth programming: cross-platform exhibition hours and expenditures

54. Currently, CBC is required to broadcast a minimum of 15 hours per week, averaged over the broadcast year, of Canadian programming aimed at children. Of these 15 hours, a minimum of one hour, averaged over the broadcast year for a total of 52 hours, shall be devoted to original Canadian programming.⁴⁵
55. In its licence renewal application, CBC proposes to continue to broadcast a minimum of 15 hours per week of Canadian programming aimed at children on its conventional television network and stations; however, it also proposes to broadcast 80 hours of original Canadian programming aimed at children and youth on linear and digital platforms, with a minimum of 40 hours on CBC's conventional television network and stations. While CBC is proposing to increase the total required hours of original Canadian programming from 52 to 80 hours per year, it is also requesting to expand

⁴⁴ National Post, "CBC aims to double amount of kids programming on Gem streaming service," February 13, 2019. Available online: <https://nationalpost.com/pmnl/entertainment-pmn/cbc-aims-to-double-amount-of-kids-programming-on-gem-streaming-service>; CBC licence renewal application, Response - 9 October 2019 - CBC Application Form TV and Radio, Q58b.

⁴⁵ Appendix 3 to BD CRTC 2013-263, COL #20.

the requirement to include programming aimed at youth and available only on digital platforms.

56. Unfortunately, CBC does not report the number of total or original broadcast hours of Canadian programming aimed at children and/or youth programming exhibited on its linear or digital platforms.⁴⁶ As a result, stakeholders such as the CMPA are unable to assess the historical levels which have been attained in the current licence term nor propose appropriate levels for the next term.
57. The CMPA is aware that expenditures on children's programming on CBC's linear platforms have decreased over the last three years. CBC's projections filed in this licence renewal application show that it intends to increase its spending on children's programming in the new licence term, reaching 1.6% of the previous year's revenues in 2023. But without expenditure requirements there is nothing holding CBC to these numbers. Financial projections are not commitments. There is no regulatory consequence for CBC failing to adhere to them.
58. Accordingly, the CMPA requests that CBC be required to provide the following data for the last three broadcast years:
 - Total number of broadcast hours of Canadian programming aimed at children on CBC's conventional television network and stations per week;
 - Total number of broadcast hours of Canadian programming aimed at children and youth on CBC's conventional television network and stations per week;⁴⁷
 - Number of original broadcast hours of Canadian programming aimed at children on CBC's conventional television and stations per year;
 - Number of original broadcast hours of Canadian programming aimed at children and youth on CBC's conventional television and stations per year;⁴⁸
 - Number of original hours of Canadian programming aimed at children only made available on digital platforms owned and operated by CBC per year, including program titles and name of the digital platform(s);
 - Number of original hours of Canadian programming aimed at children and youth only made available on digital platforms owned and operated by CBC per year, including program titles and name of the digital platform(s);

⁴⁶ However, we can conclude that zero hours of Canadian programming aimed at youth are currently being broadcast on CBC's conventional network and stations because it reported zero expenditures on this age category in its annual aggregated returns since it began reporting this data.

⁴⁷ The CMPA assumes this is the same number as the previous item but we request that CBC confirm.

⁴⁸ *Ibid.*

- Expenditures on Canadian programming aimed at children on digital platforms owned and operated by CBC per year, including program titles and name of the digital platform(s); and
 - Expenditures on Canadian programming aimed at children and youth on digital platforms owned and operated by CBC per year, including program titles and name of the digital platform(s).
59. It is only after the above data is provided by CBC that the Commission and stakeholders will be able to properly assess CBC's proposal regarding cross-platform exhibition hours for children's and youth programming as well as determine appropriate cross-platform expenditure requirements.
60. Finally, the CMPA notes that CBC may have inadvertently failed to include the term "Canadian" in its proposed new expectation for "at least 80 hours of original programming for children and youth per year."⁴⁹ We request that CBC confirm that the proposed cross-platform expectation of 80 hours of original programming for children and youth is Canadian programming.

Children's programming: age categories

61. The CMPA seeks to clarify CBC's proposal to increase the age of children's programming from 12 to 13 years for the purposes of its COL to broadcast a minimum of 15 hours per week.⁵⁰ We request that CBC confirm that it is proposing to target children aged twelve years and younger and that it aligns with the Commission's annual reporting on programming aimed at children (i.e. the categories of 0-5 years, and 6-12 years).

Youth programming: expectation to broadcast a minimum of 5 hours per week

62. The CMPA requests that the Commission generally maintain CBC's expectation to broadcast a minimum of 5 hours per week at youth aged 12 to 17 years. As stated by the Commission at CBC's last licence renewal, CBC has a mandate to serve all Canadians, including children and youth, and its COLs and expectations should reflect commitments to these audiences.⁵¹
63. In requesting to delete this expectation, CBC states that it has not broadcast any programming aimed specifically at a youth audience on its linear platform in the current licence term.⁵² CBC has also indicated in its financial projections that it does

⁴⁹ CBC licence renewal application, 30 September 2019 – CBC/SRC TV Q100 List of COLs.

⁵⁰ *Ibid.*

⁵¹ BD CRTC 2013-263, para. 72.

⁵² CBC licence renewal application, Response - 9 October 2019 - CBC Application Form TV and Radio, Q59.

not intend to make any expenditures on youth programming on its linear platform in the next licence term.

64. In recognition that youth audiences may be more likely to seek out CBC's programming online,⁵³ and that CBC is serving youth audiences on its digital platforms with programs such as *Detention Adventure*,⁵⁴ *Let's Talk About Sex*,⁵⁵ and *Utopia Falls*,⁵⁶ we request that CBC provide data relating to youth programming on its digital platforms and propose a new expectation to serve this audience on its digital platforms.⁵⁷
65. Finally, we suggest that the Commission amend this expectation to "youth aged 13 to 17 years" to align this commitment with annual reporting on Canadian programming aimed at youth (i.e. the youth category of 13-17 years).

Children's programming: expectation to reasonably allocate hours between preschool and school-age

66. The CMPA requests that the Commission generally maintain CBC's expectation to reasonably allocate hours between preschool and school-age audiences in order to meet its mandate to serve all Canadians.⁵⁸ Similar to the above request regarding youth programming, the CMPA recognizes that CBC may respond that it is also serving Canada's preschool and school-age children on its digital platforms. As such, we request that CBC agree to, and that the Commission impose, this expectation to reasonably allocate hours between these audiences on its digital platforms.⁵⁹

Children's and youth programming: annual reporting

67. CBC currently provides annual reports relating to expenditures on children's and youth programming by age group in its aggregated annual returns, but it has no requirements relating to its COL and expectations for Canadian programming aimed at children and youth. In order to ensure transparent and accountable reporting to Canadians, the Commission ought to impose a new annual report aimed at children's and youth programming for CBC.

⁵³ *Ibid.*

⁵⁴ CBC Gem original tween action-adventure series *Detention Adventure* (10x11) is from producers LoCo Motion Pictures and Broken Compass Films.

⁵⁵ "Let's Talk About Sex," the English-language version of "On parle de sexe," will be aimed at tweens with information on healthy sexuality. It will premiere as the first original factual series for kids on CBC Gem in 2020. National Post, "CBC aims to double amount of kids programming on Gem streaming service," February 13, 2019. Available online: <https://nationalpost.com/pm/entertainment-pmn/cbc-aims-to-double-amount-of-kids-programming-on-gem-streaming-service>.

⁵⁶ CBC Gem original series *Utopia Falls* is executive produced by Andrea Gorfolova and Ashley Rite for Sonar Entertainment, with the financial participation of the Shaw Rocket Fund.

⁵⁷ Please see para. 58.

⁵⁸ BD CRTC 2013-263, para. 72.

⁵⁹ Please see para. 58.

68. We request that all of the data requests in the above section “children’s and youth programming: cross-platform exhibition hours and expenditures” be included in this new report. In terms of format, we suggest the adoption of the same approach to the “program information” table provided in the new annual production reports for large English- and French-language ownership groups.⁶⁰

Feature Films

69. The CMPA supports CBC’s proposal to maintain its COL to broadcast a minimum of one Canadian feature film drawn from category 7(d) theatrical feature films aired on TV.
70. With respect to reporting, the CMPA requests that CBC be required to provide a new annual report on Canadian feature films broadcast on its linear and digital platforms. Specifically, we request that CBC provide information relating to the title of the film; program category; original; and broadcasting platform(s).
71. CBC states in its licence renewal application that it showcases “Canadian feature films in prime time and have allocated a regular timeslot on our schedule this summer to air Canadian films every Saturday night” and that more than a hundred Canadian films are available on CBC Gem, with a new film added each week.⁶¹
72. This new report would demonstrate CBC’s commitment to Canadian feature films to Canadians. As well, it would allow the Commission and public stakeholders to more easily monitor CBC’s compliance with its feature film COL to ensure that non-compliance is not repeated in the next licence term.

Reporting on diversity, gender parity, Indigenous, official language minority communities, and regional matters

73. The CMPA supports reporting on diversity, gender parity, Indigenous, official language minority communities (OLMCs), and regional matters by our national public broadcaster. This reporting helps to ensure that CBC is accountable and transparent to Canadians about its commitments to these important issues and will help to demonstrate that it is meeting its mandate and Canada’s broadcasting policy objectives generally.⁶² We request that, at a minimum, the data collected by CBC be compatible with data collected by large ownership groups in annual production reports to allow the Commission and stakeholders to review this data together and track the progress of Canadian broadcasters overall.⁶³

⁶⁰ Appendix 6 to BIB CRTC 2019-304.

⁶¹ CBC licence renewal application, Response - 9 October 2019 - CBC Application Form TV and Radio, Q106.

⁶² *Broadcasting Act*, section 3.

⁶³ As set out in the appendices to BIB CRTC 2019-304.

An expectation to exceed minimum levels ought to be maintained

74. The CMPA requests that the Commission maintain the expectation for CBC “to exceed the minimum levels set out in conditions of licence, especially where those minimum levels are below the Corporation’s historical levels of programming and expenditures.”⁶⁴ As in BD CRTC 2013-263, CBC is well-positioned to achieve its COLs and expectations and ought to be held to a higher standard in line with its historical levels.

Documentary Channel

75. The CMPA requests that the Commission maintain CBC’s COL that the documentary Channel devote at least 75% of the evening broadcast period to Canadian programs.
76. In support of its proposal, CBC argues that the Commission eliminated evening Canadian programming exhibition requirements in the Create Policy for discretionary services.⁶⁵ However, the Commission recently maintained higher Canadian programming exhibition requirements for educational broadcasters Knowledge and City Saskatchewan because of their special roles in the system.⁶⁶ CBC’s documentary Channel also plays a unique role and this condition ought to be maintained.
77. Accordingly, the CMPA requests that the COL requiring documentary Channel to devote at least 75% of the evening broadcast period to Canadian programs be maintained.

A TERMS OF TRADE AGREEMENT BETWEEN CBC AND INDEPENDENT PRODUCERS IS NECESSARY AND THIS CONDITION OF LICENCE OUGHT TO BE MAINTAINED

78. The CMPA requests that the Commission maintain all of the COLs relating to terms of trade in CBC’s broadcasting licences.⁶⁷
79. In BNC CRTC 2019-379, the Commission correctly indicates that CBC has extensive partnerships with Canada’s independent production community and content creators. Unfortunately, these “partnerships” often come at the expense of the interests of independent producers and creators.
80. There is no question that market concentration is inordinately high in Canada’s English-language market. CBC on its own holds an incredibly powerful market position in the Canadian television industry. In 2016, its conventional television revenues represented

⁶⁴ Appendix 3 to BD CRTC 2013-263.

⁶⁵ CBC licence renewal application, 30 September 2019 – CBC/SRC TV Q100 List of COLs.

⁶⁶ Broadcasting Decision CRTC 2018-420, *City Saskatchewan – Licence renewal* and Broadcasting Decision CRTC 2018-318, *Knowledge Network and BBC Kids – Licence renewals*.

⁶⁷ COL #24 in Appendix 3, COL #7 in Appendix 7, and COL #3 in Appendix 8 to BD CRTC 2013-263.

17% of the entire market.⁶⁸ With the “Big 3” private broadcasting groups—namely, Rogers Media, Corus Entertainment, and Bell Media—and CBC, the four broadcasters hold a 96% market share of English-language broadcasting revenues. This market share is indicative of the buying strength of a very small number of buyers.⁶⁹

81. The Herfindahl-Hirschman Index (HHI), which calculates buyer concentration, yields an HHI of 2,538 when applied to the Big 3 and CBC. The U.S. Department of Justice considers markets in which the HHI is in excess of 2,500 to be highly concentrated. The EU Commission’s Guidelines on Horizontal Mergers sets an HHI of 2,000 as the benchmark for high concentration. The concentration ratio (i.e., the CR4) is 96% in the Canadian broadcasting market.⁷⁰ There can be no doubt that the Canadian English-language television program market is an oligopsony.⁷¹
82. This high degree of market concentration translates into a massive inequality of bargaining power. Producers typically approach broadcasters with a request to pitch television program concepts, not the reverse. The number of producers pitching shows greatly outnumbers the opportunities for broadcasters to pick up those shows. Simply put, producers have very few broadcaster doors to knock on in Canada, and the fact that CBC is one of a handful of gatekeepers automatically creates an imbalance in the commercial relationship between CBC and producers.
83. There are several other factors that amplify this balance yet further. In negotiations, CBC will generally be provided with the producers’ detailed financial information regarding proposed budget and financing sources for the product. The producer, however, will have virtually no inside knowledge of CBC’s priorities, programming budgets, or willingness to spend on any given project. CBC’s access to detailed viewership data and advertiser revenues also provides it with important information that offers an advantage in negotiating with producers. In addition, producers are highly dependent on CBC’s approval for tax credits and other financing support (such as the CMF). Producers gain access to production tax credits only if they have received confirmation in writing from a Canadian distributor or a Commission-licensed broadcaster. CMF funding (e.g., the Performance Envelope Program) is allocated to broadcasters, who then decide which television projects will get financed with CMF funds.

⁶⁸ The CMA commissioned Wall Communications to study the buyer power in the Canadian television market, a copy of which is attached as Appendix A. *Buyer Power in Canadian TV: An Examination of the Domestic Market Structure for the Purchase and Sale of Canadian-produced English Language TV Programming (Buyer Power)*. Prepared by Wall Communications for the CMA. Ottawa, Ontario. June 2018. Gerry Wall study, Tables 2 and 3.

⁶⁹ *Ibid.*, p. 20.

⁷⁰ *Ibid.* Please note that the Competition Bureau uses a CR4 of 65% as a safe harbour threshold.

⁷¹ The term “oligopsony” simply means a small number of buyers but it is also a key element in determining the ability of buyers to use their purchasing power over sellers to extract more favorable commercial and other terms. Oligopsony primarily relates to the level of market concentration or the level of difficulty that new firms face in entering a market. A handful of economic measures for market concentration have been developed allowing oligopsony to be defined quantitatively; these include the Herfindahl-Hirschman Index (HHI) and concentration ratios.

84. This inequality of negotiating power distorts a healthy market and can lead to negative consequences for both CBC and producers. As an example, CBC frequently takes merchandising, distribution and/or other non-broadcast related rights in its deals with producers. It does so not because it has a demonstrated ability to maximize the value of these rights, but simply because it can take these rights by virtue of its dominant market position. As a result, the rights either go unexploited, or are exploited at below market value. Over time, this not only results in CBC no longer being the home of the best independently-produced Canadian programming, it also erodes the capacity of independent producers to invest in developing the next great show. Ultimately, it is CBC's audiences who pay the price.
85. In *Canada's Communications Future: A Time to Act*, the BTLR Panel recognized the imbalance in negotiating power between independent producers and potential buyers such as CBC and recommends that the Commission address this issue through the implementation of terms of trade:

The media content industry is characterized by high levels of concentration, compared with the number of creators seeking access. For example, there are over 500 independent Canadian producers of television programs in Canada but fewer than a dozen major potential buyers. The situation is similar in the United Kingdom, and its regulator Ofcom has addressed the imbalance of negotiating power by prescribing terms of trade between independent producers and broadcasters. The CRTC did the same in Canada from 2011 to 2016 but discontinued the requirement as part of its Let's Talk TV policies in 2015.

[...] The CRTC should be able to determine or approve terms of trade to ensure that independent producers are treated fairly.⁷²

86. The Commission has stated that CBC should contribute financially to the production of Canadian programming and leverage Canadian and international partnerships to the benefit of Canadian audiences *as well as to the benefit of content creators and producers* (emphasis added).⁷³ Content deals with independent producers that are dictated by CBC's market power, rather than what is best for a show, do not benefit creators, producers, or audiences.
87. A terms of trade agreement, negotiated by CBC and the CMPA, would restore balance to an unhealthy commercial relationship. It would also facilitate a much more strategic exploitation of rights that empowers both CBC and independent producers to focus on

⁷² *Canada's Communications Future: Time to Act*, 3.4.2 Modernizing the CRTC's regulatory framework.

⁷³ BNC CRTC 2019-379, para. 20.

what each does best: CBC connecting with audiences, and producers maximizing the value of a program for the benefit of all.

88. To succeed internationally, Canada must first have a healthy and vibrant domestic market. This is best achieved where producers are able to build off the success of a show, and reinvest those profits into the next one, thereby creating a virtuous cycle where producers are continually offering high-quality content to CBC and other broadcasters. In order to maintain a “robust Canadian production sector” in which sustainable, better-capitalized production companies are able to grow, innovate and are “capable of monetizing the exploitation of their content over a longer period,”⁷⁴ producers must be able to meaningfully retain a stake in the IP of the content they produce. Indeed, to be truly “independent,” a producer must meaningfully own and control both its production company and the IP the company makes.
89. Put simply, when market power rather than market forces ties up rights in the wrong parties’ hands, it prevents the domestic industry from reaping the benefits of international exploitation opportunities and consequently fails to return appropriate revenues derived from that exploitation back to Canada.
90. The CMPA is accordingly deeply concerned by CBC’s claims that it is “one of the best-positioned Canadian companies with the volume, skills, reach, recognizable brand and international relationships to be able to effectively leverage the content we commission.”⁷⁵ While CBC has many strengths, its suggestion that it has the international relationships to leverage the content it commissions is belied by its own history—including the shuttering of its distribution division in 2007—and the fact that there are other companies who specialize in distribution with vastly greater commercial relationships than the public broadcaster.⁷⁶ This is not surprising, since as a publicly subsidized Crown corporation, the CBC often lacks the market incentives, scale, and expertise to fully leverage the economic value of the shows it commissions from independent producers in the global marketplace.
91. CBC describes its successes and worldwide reach in terms of numbers of views, hours, downloads, and unique visitors from its international relationships. While this is laudable, it has little or nothing to do with commercializing the rights of independently-produced programming in the international marketplace.⁷⁷ Rather than try to replicate this expertise and impose it on every project, CBC should leave it to independent producers to develop the best international distribution strategy for their programs. Of course, where CBC has made a significant investment in a program, it should also share in the rewards when the program is an international hit.

⁷⁴ Create Policy, para. 119.

⁷⁵ CBC licence renewal application, Response - 9 October 2019 - CBC Application Form TV and Radio, Q65.

⁷⁶ “CBC to sell distribution business.” *CBC Arts*. December 19, 2007. Available online: <https://www.cbc.ca/news/entertainment/cbc-to-sell-international-distribution-business-1.656979>.

⁷⁷ CBC licence renewal application, Response - 9 October 2019 - CBC Application Form TV and Radio, Q65.

92. A terms of trade agreement that is appropriately tailored to CBC would address these kinds of issues, setting out a framework that enables both CBC and independent producers to maximize their respective contributions, and thereby best position the programs CBC commissions from independent producers for domestic and global success.

Our national public broadcaster ought to set the standard for the industry

93. In addition to its market power, CBC holds a special place in the system. Most obviously, it is the only broadcaster that is vested with a specific mandate and requirements under the Act with respect to the commissioning of Canadian programming. In return, it receives a \$1.2 billion annual Parliamentary appropriation. This combination of its special status under the Act and the subsidy it receives from the Canadian public imposes on CBC the mantle of leadership. More than any other broadcaster, it should be setting the example by, among other things, treating its programming suppliers fairly, and in a manner that leverages their expertise for the benefit of both parties.

Terms of trade agreement for CBC and CMPA

94. As the Commission is aware, CBC and CMPA have not concluded a terms of trade agreement since CBC's last licence renewal, even though the two parties participated in negotiations for a number of years. However, the CMPA has made it known to CBC that we continue to be interested in concluding such an agreement. We are hopeful that we will be in a position to file with the Commission a draft or signed agreement on or before the public hearing for CBC's licence renewal.
95. For all of the above reasons, the CMPA requests that the Commission maintain the COLs that CBC shall enter into a terms of trade agreement with the CMPA as soon as possible. We are proposing that the Commission require CBC to enter into a terms of trade agreement with the CMPA by December 31, 2020. Should CBC and CMPA be unable to agree upon a terms of trade agreement then we request that the Commission refer the matter to the Commission's dispute resolution process.
96. We propose the following amendments to CBC's COLs relating to terms of trade:⁷⁸

*The licensee shall enter into a terms of trade agreement with the Canadian Media ~~Production~~ **Producers Association (CMPA)** as soon as possible and, in any event, no later than ~~28 May 2014~~ **31 December 2020**.*

⁷⁸ COL #24 in Appendix 3, COL #7 in Appendix 7, and COL #3 in Appendix 8 to BD CRTC 2013-263.

*Until such time as a terms of trade agreement with the **Canadian Media Production Association CMPA** is in place, the licensee shall file monthly reports with the Commission **and the CMPA** on the progress of the negotiations.*

Should the licensee and the CMPA be unable to enter into a code of practice agreement by 31 December 2020 then the Commission shall refer the matter to its dispute resolution process.

97. Finally, we wish to note our support for a similar request from our French-language counterpart, Association québécoise de la production médiatique (AQPM), in its intervention for the Commission to maintain the COL for a code of practice agreement between Radio-Canada and AQPM.

CONCLUSION

98. For all of the above reasons, the CMPA conditionally supports the licence renewals of CBC's English-language audio-visual services.

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