



September 27, 2005

Ms. Diane Rhéaume VIA Email procedure@crtc.gc.ca
Secretary General
Canadian Radio-television and
Telecommunications Commission
Ottawa, Ontario K1A 0N2

Dear Ms. Rhéaume,

Re: Broadcasting Public Notice CRTC 2005-82: Call for comments on a regulatory framework for mobile broadcasting services

1. This is the reply of the Alliance of Canadian Cinema Television and Radio Artists (ACTRA) to comments in the matter of Broadcasting Public Notice CRTC 2005-82: Call for comments on a regulatory framework for mobile broadcasting services.
2. ACTRA also replies to comments submitted by other interested parties in the matter of the proposal by TELUS Mobility (TELUS), Bell Mobility Inc. (Bell), Rogers Wireless Inc. (Rogers) and LOOK Communications Inc. (LOOK) to provide mobile television broadcasting services, in addition to its comments submitted to the Commission September 12, 2005.
3. The mobile television broadcasting services proposed are, in our opinion, no different in effect and result than conventional, specialty and pay services currently licensed by the Commission and subject to regulation.
4. ACTRA concurs with the comments of Friends of Canadian Broadcasting, CFTPA, SOCAN, CIRPA, CRIA, and the submissions from the Quebec associations in respect of their recommendations that the New Media Exemption Order should be reviewed. We also agree that issues of new technology should be more thoroughly examined than is the case in this process regarding mobile broadcasting services. We note for the Commission that this was the recommendation of the all-party Parliamentary Committee on Canadian Heritage in its report *Our Cultural Sovereignty: The Second Century of Canadian Broadcasting* (Lincoln Report).
5. In regard to specific comments, we note that the majority of other interested parties disagree with SaskTel's submission that mobile services are not broadcasting. We also disagree with the submissions of the Canadian Wireless Telecommunications Association and MTS Allstream, specifically their arguments that the services in

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question should be free from broadcasting regulation under the New Media Exemption Order. In the event that the Commission should find their arguments persuasive, we believe that it is incumbent on the Commission to take a more thorough approach to reviewing the New Media Exemption Order particularly in light of the Lemay-Yates Associates report and Motorola's comments which suggest that *all* new media escape broadcasting regulation.

6. We reject the comments of CAB, Global, CHUM and Pelmorex in respect of their proposal for a new 'experimental' exemption order for mobile broadcasters. This approach is delaying the inevitable need to review the broadcast policy for new technologies to ensure that the substance and spirit of the *Broadcasting Act* are observed.
7. As noted in our initial comments, ACTRA and its members have been at the forefront of the campaign to reverse the steep decline in Canadian English-language television drama. The ongoing crisis in English-language television drama requires urgent and immediate action – every appropriate CRTC process should be directed at reversing this trend. Granting exemptions to mobile television broadcasting distribution undertakings would not benefit the broadcasting system as a whole, and would not provide any measurable assistance to stem the crisis. In fact, exempting mobile broadcasting services from regulation would likely contribute to a further decline in English-language Canadian television drama. Exempting mobile television from regulation would also perpetuate a series of negative precedents in which content obligations have been drastically reduced or exempted for new technologies. ACTRA has raised this issue publicly, with politicians, and with the Commission, and we will continue to do so.
8. We thank you for this opportunity to provide you with our further comments in reply. We would be pleased to appear before the Commission at a public hearing for the mobile television services and welcome the opportunity to participate in a new media policy review.

Thank you.



Stephen Waddell, National Executive Director, ACTRA

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