



September 27, 2005

M. s. Diane R héaume
Secretary General
Canadian Radio-television and
Telecommunications Commission
Ottawa, Ontario K1A0N2

VIA Email procedure@crtc.gc.ca

Dear M. s. R héaume,

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 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 LOK Communications Inc. (LOK) to provide mobile television broadcasting services in addition to its comments submitted to the Commission September 12, 2005.
3. As we had noted in our initial comments, ACTRA and its members have been in the forefront of the campaign to reverse the precipitous decline in the availability of domestically produced English language television drama. There is an ongoing crisis in English language television drama that requires urgent and immediate action, and every appropriate CRTC process should be directed at reversing this trend. Therefore granting exemptions to licensing to Mobile TV broadcasting distribution undertakings would not benefit the broadcasting system as a whole and would not provide any measurable assistance to stem the crisis in English language television drama. We wish to reiterate that exempting mobile broadcasting services from regulation would likely contribute to a further decline in English language Canadian television drama and at the very least perpetuate a series of negative precedents in which content obligations have been drastically reduced or altogether exempt for new technologies and new media applications. We have raised this issue publicly, with politicians and with the Commission.
4. Our review of the comments submitted to the Commission convinces us that the Commission must re-examine the New Media Exemption Order. It is very clear from the

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comments submitted that there is no clear understanding of the nature of these services and to introduce Mobile TV in an unregulated broadcasting environment would set a precedent that will lead to further confusion and uncertainty when the next new technology application is introduced.

5. In regard to specific comments we note that the majority of other interested parties do not agree with the comments submitted by SaskTel that mobile services are not broadcasting. We reject the comments of the CAB, Global, CHUM and Pelmorex in respect of a proposal for a new "experimental" exemption order for mobile broadcasters. We believe that this approach is merely delaying the inevitable need to review the broadcast policy in regard to new technologies to ensure that the policy observes the spirit as well as the pith and substance of the *Broadcasting Act*.
6. ACTRA concurs with the comments of Friends of Canadian Broadcasting, CFTPA, S0 CAN, CIRPA, CRIA, and the submissions from the Quebec associations in respect of their recommendations that the new media exemption order should be reviewed and that issues of new technology should be more thoroughly examined than is the case in this process regarding mobile TV 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* (Lacombe Report)
7. 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 TV 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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