



June 10, 2010

Mr. Robert A. Morin  
Secretary General  
CRTC  
Ottawa, ON K1A 0N2

Online: <http://support.crtc.gc.ca>

**Re: Broadcasting Notice of Consultation 2010-252: Application by CTVglobemedia Inc. (CTVgm), on behalf of its subsidiary CTV Television Inc., to amend the broadcasting licence for the national Category 2 specialty programming undertaking known as The Comedy Network. (Application 2010-0462-1)**

Dear Mr. Morin,

1. On behalf of our 21,000 members, the Alliance of Canadian Cinema, Television and Radio Artists (ACTRA) welcomes the opportunity to comment on the above-cited application. ACTRA's comments reflect the unique perspective of professional performers working in the English-language recorded media in Canada.
2. CTVglobemedia Inc. (CTVgm, the "Applicant") on behalf of CTV Television Inc. has filed an application to amend the broadcasting licence for the national Category 2 specialty programming undertaking The Comedy Network (TCN).
3. The Applicant requests several changes, starting with amending its current condition of licence that specifies that programming drawn from categories 7 (c) (specials, mini-series, made-for-TV feature films) and 7 (d) (theatrical feature films aired on television) combined will be limited to "10% of all programming broadcast during each broadcast week" to "10% of all programming broadcast during each broadcast month" (emphasis added).
4. TCN is also looking to be released from the requirement that programs from categories 7(c) and 7(d) be Canadian and instead meet the broader requirement that "programs drawn from categories 7(c) and 7(d) shall have comedy as their primary or defining characteristic."
5. Finally, the licensee proposes to add program category 2(b) Long-form documentary to the list of categories from which it may draw programming, subject to a limit of 10% of the broadcast month.

**Alliance of Canadian Cinema, Television and Radio Artists**

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## ACTRA'S POSITION

6. ACTRA finds itself once again having to express our frustration with the flood of requests by licensees to have their conditions relaxed mid-term. These requests are not an appropriate use of the Commission's valuable resources, especially when licensees know full well that a full licence review process will take place within the next year. A more cynical mind might suggest that licensees are trying to either wear down the Commission into submission by subjecting them to application fatigue. Or perhaps sneak an application through before any opposition can rally. In any case, licensees can be assured that industry stakeholders are paying attention.
7. These mid-term requests are made even more superfluous in the face of the Commission's statement in *Broadcasting Public Notice CRTC 2008-100* that changes to categories of programming would be entertained at the next round of licence renewals:

*"With respect to the programming obligations for pay and specialty services, the Commission considers it more appropriate to discuss these in detail at their licence renewals. This will give the licensees an opportunity to assess the impact of the new policies and regulations contained in this public notice and formulate their commitments accordingly."*<sup>1</sup>

8. On this principle alone, ACTRA would understand if the Commission were to deny these applications and send a signal to licensees that terms of service are terms of service for the complete licence term; they are not subject to random review at the whim of the licensee.
9. In respect to the specifics of the Application, ACTRA has several concerns.
10. The only rationale given for these changes by the Applicant is to take advantage of the 'flexibility' offered in BPN CRTC 2008-100 in which the Commission determined that category 'A' specialty services could draw from a broader selection of programming categories.
11. This rationale may relate to the Applicant's request to add program category 2(b) Long-form documentary to the list of programming it can draw from. However, it does not explain neither why the Applicant is looking to reduce the amount of programming from categories 7 (c) and (d) it is permitted to air, nor why it should be released from the requirement that these programs be Canadian.
12. This request is particularly strange given that in 2005 the Applicant asked for an amendment to the licence of TCN to add these two same categories to the program categories from which it can draw programming.<sup>2</sup> So while just a few years ago TCN requested permission to broadcast more feature films, TCN is now asking for permission to air less of this same programming.

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<sup>1</sup> Broadcasting Public Notice CRTC 2008-100, *Regulatory frameworks for broadcasting distribution undertakings and discretionary programming services*

<sup>2</sup> Application 2005-0560-5.

13. In 2006, the Commission granted TCN's request altering its condition of licence to allow it to draw programming from these categories. However, while TCN did not offer any assurances that programming drawn from these categories would be Canadian, in Broadcasting Decision CRTC 2006-15, the Commission approved the application on the condition that:

*"(f) All programs drawn from categories 7(c) and 7(d) shall be Canadian programs, with comedy as their primary or defining characteristic."<sup>3</sup>*

14. This condition was cited by the CRTC as being consistent with Broadcasting Public Notice CRTC 2004-2 in which the Commission decided:

*"that various specialty services which had been granted authority to expand their nature of service conditions with the addition of a limited amount of drama programming, were required to ensure that all such programming would be Canadian."*

15. ACTRA welcomed this decision on the basis that it would strengthen the Canadian broadcasting system as a whole by increasing the amount of Canadian dramatic programming and in particular, feature films, available to audiences. In addition to being home to several original series (*Odd Job Jack, John Dore Show*) TCN has become an important second window for numerous Canadian series such as *Corner Gas, Dan for Mayor, Comedy Now, Comedy inc., This Hour Has 22 Minutes, Air Farce, Hiccups, Jeff Ltd, and Robson Arms*.
16. We are alarmed, yet not surprised, to see TCN trying to decrease its requirements to air Canadian drama. This is especially troublesome given the ongoing struggle to ensure that Canadians have access to our own dramatic programming, and in particular feature films.
17. In its 2005 application to air more films on TCN, CTV Inc. was glowingly enthusiastic in its support of Canadian comedic talent "to the point where many would say that comedy is among Canada's most famous, beloved exports."<sup>4</sup> It also stated that its application "was consistent with the Commission's goals of putting more Canadian drama on the airwaves and helping to build a Canadian star system." What a difference a few years makes.
18. The uphill battle faced by Canadian English-language feature films has been well-documented and well-researched. Our films struggle at every step starting at funding to finding space in theatres and in broadcasters' schedules. Requiring broadcasters to air Canadian feature films contributes to the objectives of the *Broadcasting Act*. It gives Canadian audiences a much-needed opportunity to access Canadian features. And in turn, supports Canada's talented featured film creators by providing another market to turn to for financing to create new content.
19. There is an absolute dearth of Canadian feature films on the schedules of Canadian broadcasters. ACTRA urges the Commission to reverse this reality and not contribute to it by allowing TCN to be released from this minimal obligation.

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<sup>3</sup> Broadcasting Decision CRTC 2006-15

<sup>4</sup> Application 2005-0560-5.

20. ACTRA has no issue with the addition of category 2 (b) to the programming the licensee is able to draw from. However, we note that the applicant makes no commitment that this programming is to be Canadian. Should the Commission grant this request, we urge that the condition that all programming drawn from this added category be Canadian, consistent with CRTC 2004-2, as cited above. Canadian long-form documentaries are wildly underrepresented in our broadcasting schedules; adding them to the licensee's programming can only be of benefit to the broadcasting system as a whole.

## **CONCLUSION**

21. While we are generally against the alteration of licences mid-term except under exceptional circumstances, which this Application fails to present. That said ACTRA has no issue with adding long-form documentaries to the list of programs TCN is permitted to draw from so long as the programs are in keeping with the TCN's unique nature of service and the programming is Canadian.

22. ACTRA urges the Commission to deny the Applicant's two requests with respect to categories 7(c) and 7(d). Reducing the amount TCN is able to broadcast seems superfluous seeing as it is not required to air a specific amount of programming from these categories, maintaining the up to 10% per week requirement will not have much of an impact, but will only serve to restrict the option to drama. It is better to keep the possibility open, than to shut it down. ACTRA also rejects the Applicant's calls for removing the requirement that this programming be Canadian.

23. ACTRA thanks the Commission for the opportunity to provide comment on this matter.

Thank you.

A handwritten signature in black ink, appearing to read 'Stephen A. Waddell', with a long horizontal line extending to the right.

Stephen A. Waddell,  
National Executive Director

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