

Introduction to “A Survey of Priority Programming Trends 1999-2008 CBC, CTV, Global, City, and CHCH (E!)”

September 9, 2009

The following survey (the “Survey”) was prepared by independent researcher Sarah Dearing in the summer and fall of 2008 at the request of the Writers Guild of Canada (WGC), the Directors Guild of Canada (DGC), the Alliance of Cinema, Television and Radio Artists (ACTRA), the Canadian Film and Television Production Association (CFTPA), and the Documentary Organization of Canada (DOC) (the “Creative Community”)¹. The purpose of the Survey was to identify scheduling trends with respect to the broadcast of priority programming by Canadian over-the-air television broadcasters. As the Survey itself explains, it was very difficult for Ms. Dearing to obtain accurate and verifiable program data. In fact, the greatest value that the Survey may have is to demonstrate how difficult it is for stakeholders, and CRTC staff, to monitor broadcaster compliance with priority programming policies.

After reviewing the Survey results, various members of the Creative Community met with CRTC staff at different times to try to verify the data and address some of the difficulties. CRTC staff provided the Creative Community with access to the broadcaster program logs via the Commission’s ftp site. With the program logs, we were able to verify the results of the Survey. We found that for the majority of instances, differences between schedules and program logs (which identify actual programs broadcast) were within the same program category. For example, one U.S. comedy (e.g., *The Simpsons*) would substitute for another U.S. comedy (e.g., *King of the Hill*), or one Canadian movie (e.g., *One Dead Indian*) would substitute for another Canadian movie (e.g., *Luna: Spirit of the Whale*). Conclusions regarding scheduling of program types therefore remain valid.

However, certain of our concerns do remain. CRTC staff advised us that the CRTC’s software program does not track first air dates so they cannot verify if a program is still within its first two years of broadcast, as is required in order for a program to qualify as priority programming.

Moreover, there remains a possibly insurmountable separation of Canadian certification data between the CRTC and CAVCO. Each maintains its own database of programs, certified by each organization for its own purposes, and following slightly different rules. The CRTC database is public but the CAVCO database, at this time, is not. As a result, there are no means of confirming the Canadian certification status of programs that have not applied to the CRTC for certification. A fairly large margin of error is thereby introduced into the Survey, as it forced Ms. Dearing to rely on less reliable sources of information including IMDb, Playback Online; Telefilm; BCE-CTV benefits reports to the CRTC, and Canwest Global lists of priority programming.

¹ Please note that in the interests of brevity and focus only the most relevant of Ms. Dearing’s attachments have been included. Raw data and the balance of the charts referred to are available on request.

The final matter addressed with CRTC staff was the problem of categorization of programs. They assured us that they carefully review applications for certification. However, they were limited by the wide definitions of program genres which, for example, allowed more reality or lifestyle type programs to be classified as documentaries or variety.

In conclusion, the Creative Community is using this Survey to demonstrate the following:

- As demonstrated by the Survey results, priority programming is not evenly distributed throughout the year or throughout the week. Broadcasters tend to bank priority programming in summer months and on weekends—two time periods when audience levels are smaller, leaving the more popular time slots for U.S. programming.
- Broadcasters are relying heavily on repeats to meet their priority programming obligations. The reliance on repeats directly results in lower expenditures on Canadian programming and ultimately in a loss of audience as more and more viewers turn to U.S. drama for new original programming.
- As demonstrated by the difficulties encountered in obtaining and verifying the data, we are very concerned about the ability of CRTC staff to monitor and enforce the regulations.

A Survey of Priority Programming Trends 1999-2008 CBC, CTV, Global, City, and CHCH (E!)

Prepared for ACTRA, CFTPA, DGC, DOC, WGC by Sarah Dearing

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Preamble

What began as a straightforward assignment to record the priority programming of five broadcasters turned into an exercise of challenging complexity. Over the course of my research, and as explained below, it is apparent that the systems in place to ensure Canadians see their values and stories reflected on their television screens have serious gaps and deficiencies. As a result, while the results herein are not definitive, they do suggest that broadcasters are meeting their eight-hour per week peak time priority programming obligation, but in a manner that fails to meet the objectives underlying the requirement to air priority programs when Canadians are most likely to be watching. It is acceptable practice to fulfill this requirement on an average basis, throughout the year. Therefore, summer months or the Christmas season are often loaded with Canadian programs.²

Saturdays are another consistent repository for reruns of priority programming. Both of these practices would appear to be inconsistent with the first tenet of the broadcast policy framework:

“Given that Canadians want Canadian programs, quality programs must be available when large numbers of Canadians are watching.”³

The results demonstrate trends only, and there is a margin of error as a result of limited access to accurate data reflecting all the rules in place. This was the primary factor causing frustration with the process of accurately determining priority programming

² Attachment: 1-2003PPMonth.pdf

³ Public Notice CRTC 1999-97 BUILDING ON SUCCESS - A POLICY FRAMEWORK FOR CANADIAN TELEVISION, Ottawa, 11 June 1999

hours and points. While most weeks were straightforward, many others are affected by the following:

- public access to Canadian Program Recognition Numbers is limited;
- “To Be Announced” (TBA) slots in published schedules can account for several hours per week⁴, which may or may not have been priority programming;
- Canadian versions of U.S. programs, such as *True Hollywood Stories*, are often indistinguishable from their American counterparts⁵; and
- determining the first broadcast date of programs qualifying for a 125% or 150% dramatic program credit is extremely difficult⁶ as a result of inconsistent episode information or programs sitting on shelves for several years. Inconsistencies even appear between detailed CTV reports and television listings⁷.

A combination of sources was used to identify and classify Canadian programs and broadcast dates: CRTC; IMDb; Telefilm; Playback Online; BCE-CTV benefits reports to the CRTC and Canwest Global lists of priority programming. Schedules were obtained from the daily Toronto Star television listings and Starweek Magazine.

Working Assumptions

The survey results are weighted in favour of broadcasters. Programs with a Canadian production company attached with an identifiable director, writer, or actor have been included in the tally, although some of these may not, in fact, be recognized as Canadian by the CRTC or by CAVCO. Essentially half (313/643) of the programs included in the Survey⁸ do not appear on the CRTC’s list of program recognition numbers. These programs include in-house production and confidential Canadian Film or Video Production Tax Credit beneficiaries within CAVCO jurisdiction.

⁴ Attachment: 2-CTV July, 2007.pdf, 3-CH April, 2008.pdf

⁵ Attachment: 3-CH April, 2008.pdf

⁶ Ibid

⁷ Attachment: 4-CTV June 2001.pdf vs 5-En_Revised Benefits.pdf

⁸ Attachment: 6-MasterList101608.xls

The guidance I received from CRTC staff was contradictory with respect to the additional time credits available to dramatic programs. I was initially told that if a program did not appear on the program recognition list, it might still be recognized as Canadian but was not entitled to receive the 125% or 150% time credit. I was told only single station broadcasters are eligible for these credits. Dramatic programs on the list identified as receiving six to nine points out of ten do not receive the additional 125% credit, while ten-point programs are identified as qualifying for the 150% credit. Ten-point sketch comedies (7F) such as *This Hour Has 22 Minutes* are frequently listed at 150%—a designation that may apply to overall Canadian content requirements but not to peak period priority programming. Some seasons appear on the list while others do not. Many programs do not have points identified.

I eventually received confirmation of the rules in writing by the CRTC⁹ and corrected all of the calculations accordingly.

The 125% and 150% time credits are intended to encourage the production and exhibition of Canadian dramas and to recognize **“that drama is more expensive to create, produce and exhibit and competes with expensive foreign programs.”**¹⁰

The practice, however, is to broadcast such programs frequently in a two-year period. Identifying reruns was difficult and, when possible, I have identified the programs no longer entitled to the credit after two years. First broadcast information is available primarily for U.S. programming and the production date does not necessarily coincide with the broadcast date. For feature films broadcast, I have allotted the additional time credits when uncertain of the first broadcast date, but denied them if a film is more than ten years old.

In looking at the sample of broadcaster reports available on the CRTC web site, they do distinguish between some new and old episodes, but confirming the information is

⁹ Attachment: 7-CRTC.doc

¹⁰ OpCit Public Notice CRTC 1999-97

difficult. For a broadcaster staple, such as *Bob and Margaret* on Global, I used the same ratio of 100% vs. 125% programming as reported by the broadcaster.

The results of the survey include priority programming points¹¹ and priority programming hours¹². Because I have included so many un-confirmable programs and because it was not possible to identify all programming that was more than two years old, an accurate figure is likely somewhere between that of hours and points.

I have included data for 1999, 2001, 2003, 2005, 2007, and 2008.

Drama and Scripted Comedy

Prepared charts include:

10 Point Drama by Year and by Broadcaster¹³

All Drama by Individual Broadcaster and Year¹⁴

Canadian-US Co-Ventures Unconfirmed as to Meeting Canadian Content Requirements¹⁵

Reruns

While it appears the incidence of reruns has increased since 1999¹⁶, it is likely not entirely the case: rerun information is more clearly presented in daily television listings since 2003. Additionally, the identification of episode titles is sporadic, thereby preventing an accurate assessment of programs two years or older. I would suggest both sets of figures are low.

¹¹ Attachment: 8-Points.pdf

¹² 9-Monthlysummary All Stations.pdf

¹³ Attachment: 12-10 Point Drama.pdf

¹⁴ Attachments: 13-CBC Drama.pdf; 14-CTV Drama.pdf, 15-Global Drama.pdf, 16-City Drama.pdf, 17-CHCH Drama.pdf

¹⁵ Attachment: 18-Can-US Unconfirmed.pdf

¹⁶ Attachment: 19-Reruns2+.pdf

The Misapplication of Documentary Classification

By expanding the categories of priority programs, the goal was to “**encourage broadcasters to provide a greater diversity of Canadian information and entertainment programming**”¹⁷.

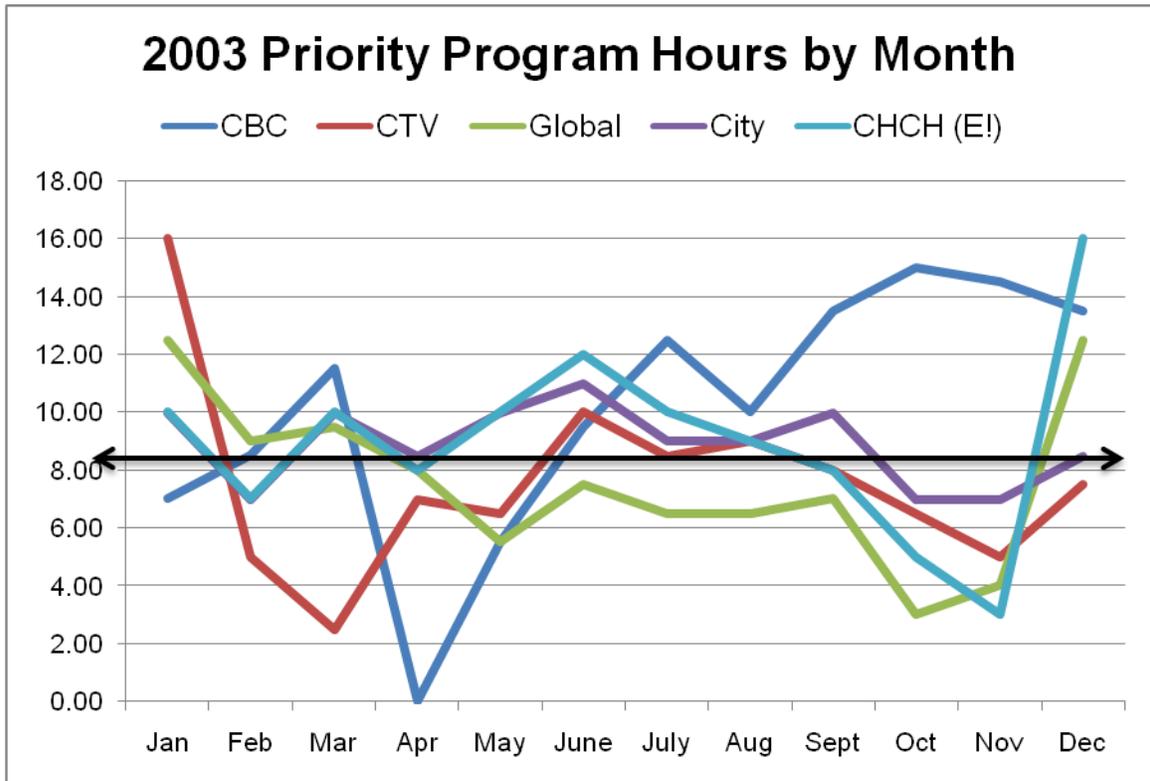
There is cause for concern that the documentary classification is being misapplied to entertainment magazine, reality, and variety programs. While this does not affect the broadcaster’s priority programming commitment, it creates a false picture of an increase in the number of documentaries being broadcast by broadcasters¹⁸.

Programs not appearing on the CRTC program recognition list such as *W-Five*, *The Fifth Estate*, *Body and Health*, and *The Health Show* have been classified for this survey as Category 2A, or newsmagazine programs, while *W-Five Presents* is recognized as a legitimate documentary series.

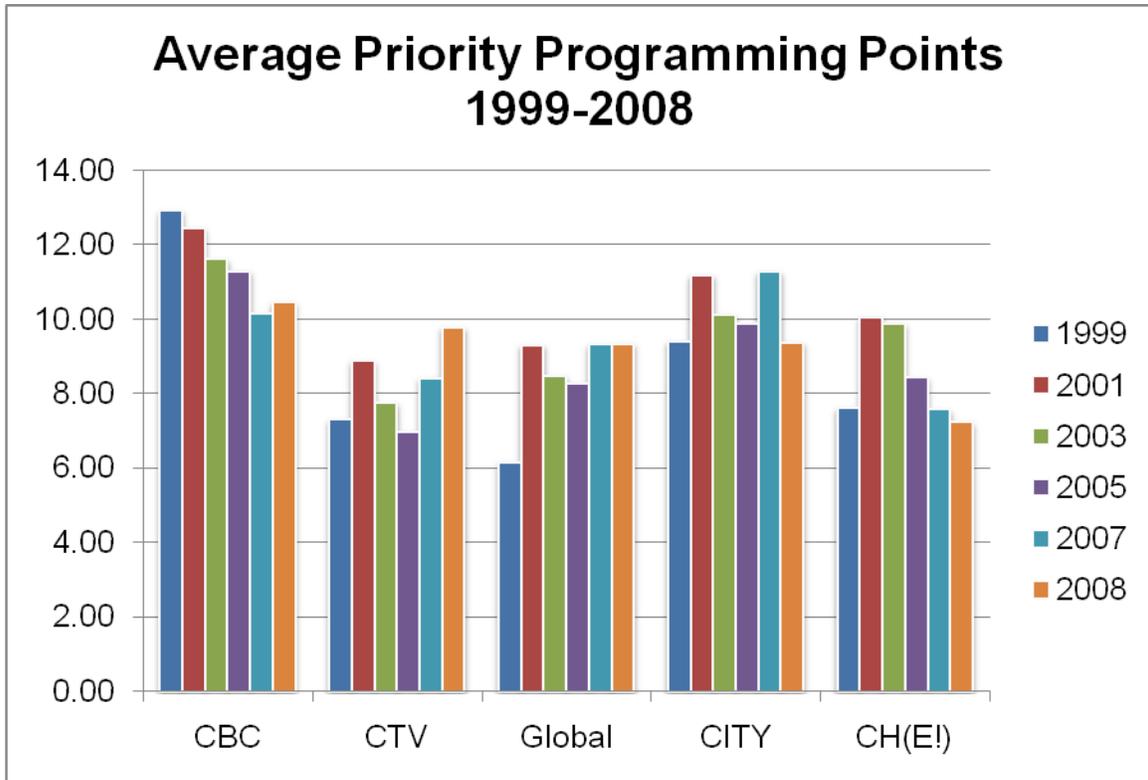
¹⁷ OpCit Public Notice CRTC 1999-97 BUILDING ON SUCCESS - A POLICY FRAMEWORK FOR CANADIAN TELEVISION, Ottawa, 11 June 1999

¹⁸ Attachments: 20-2B.pdf, 21-11A.pdf

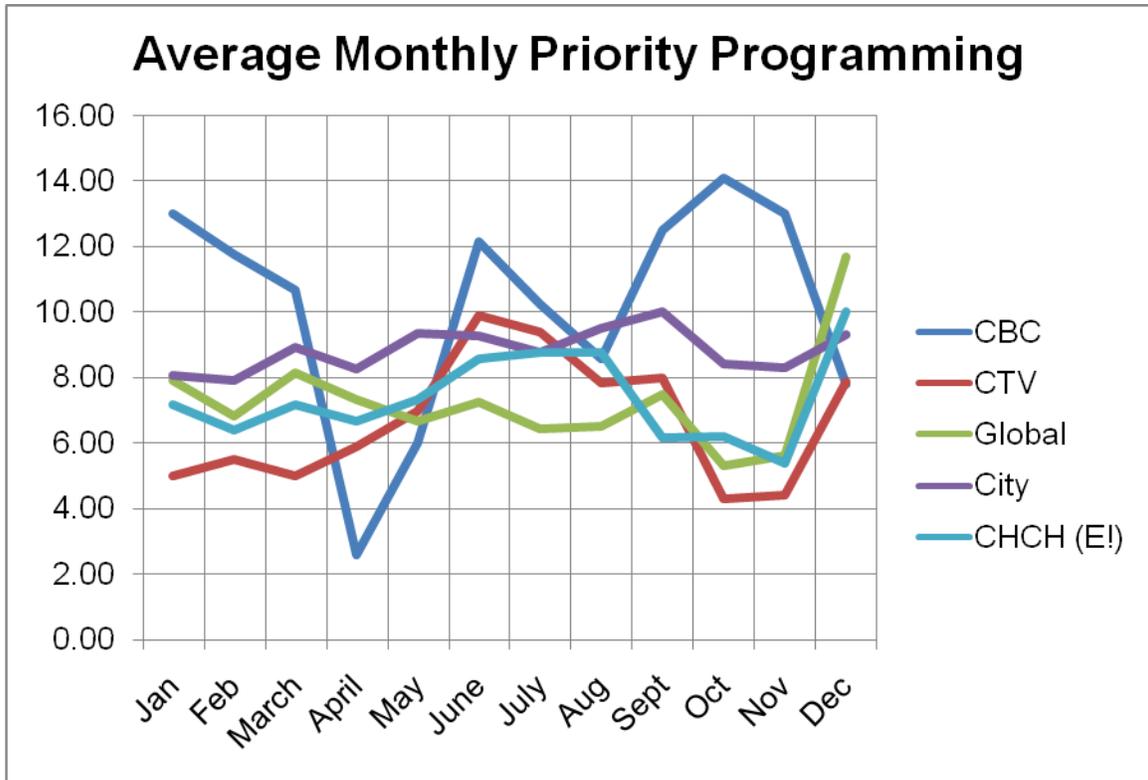
1-2003Monthly



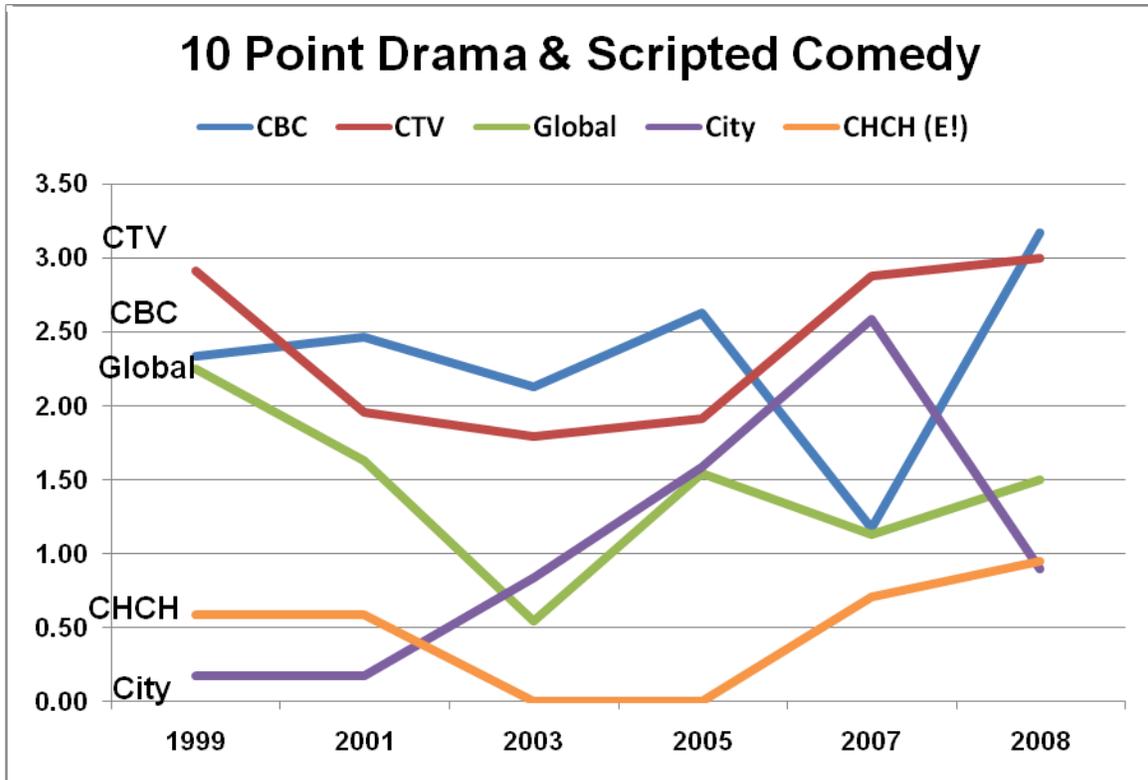
8-Points

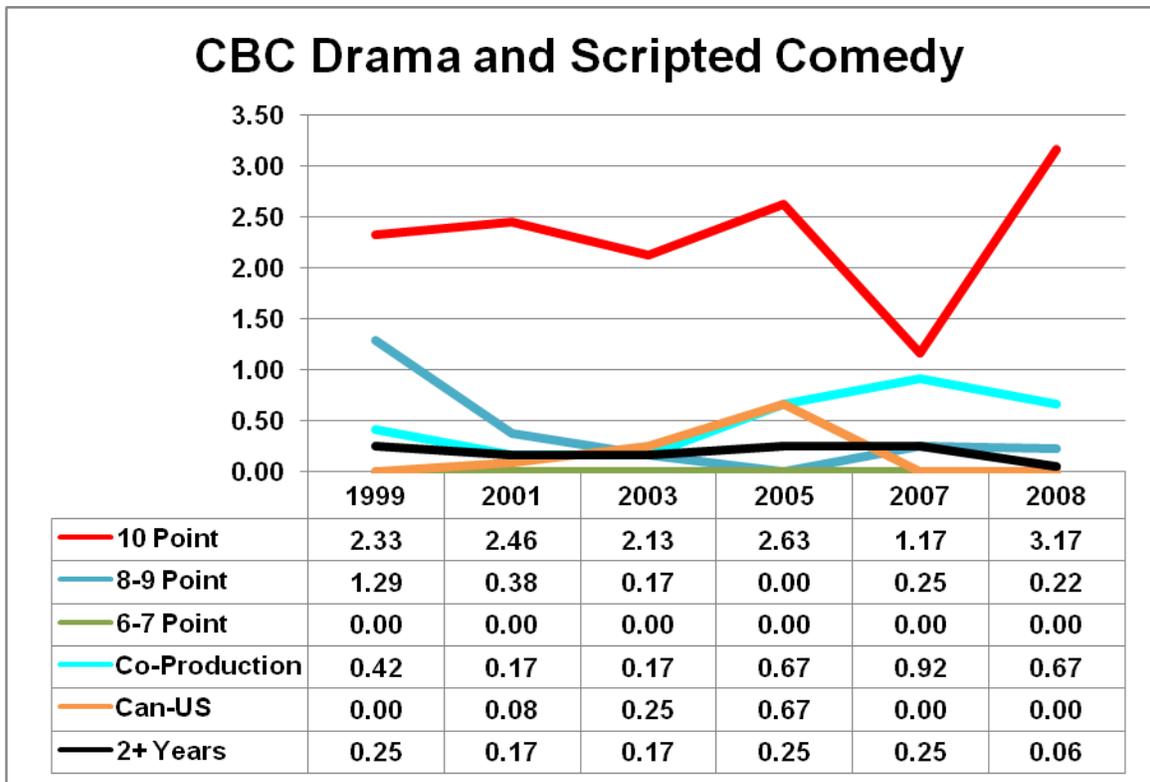


9-Monthlysummary All Stations

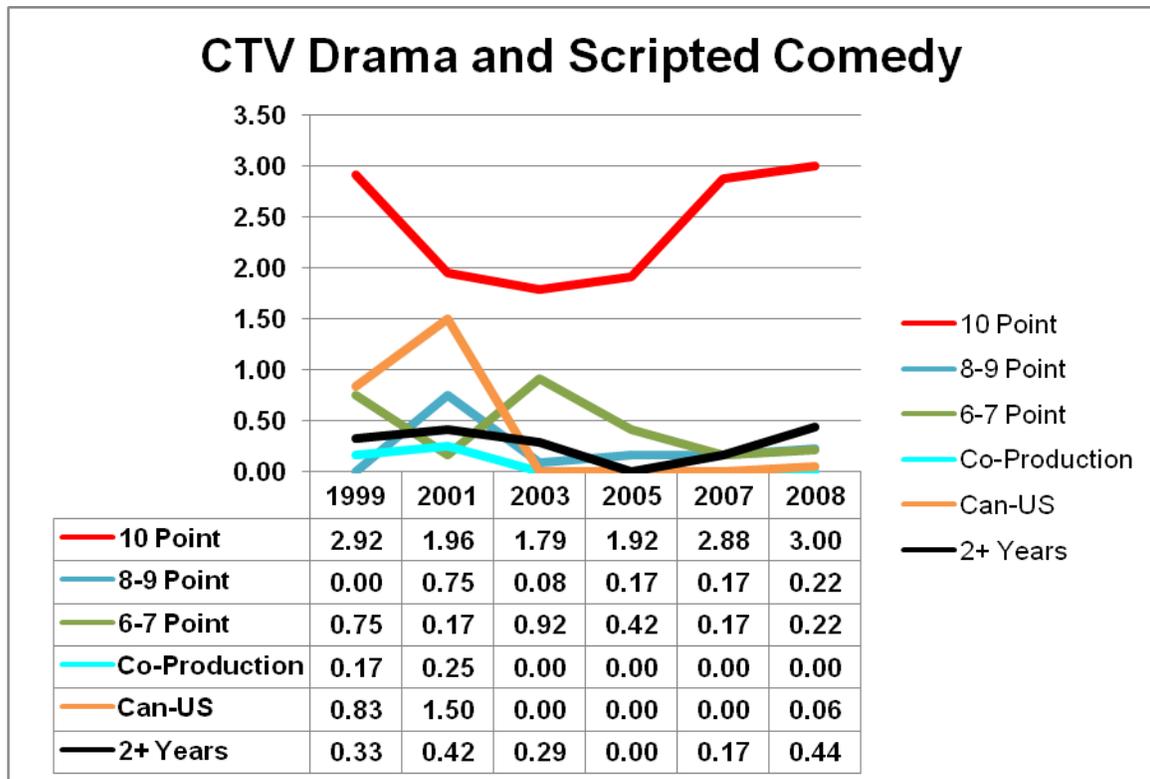


12-10 Point Drama

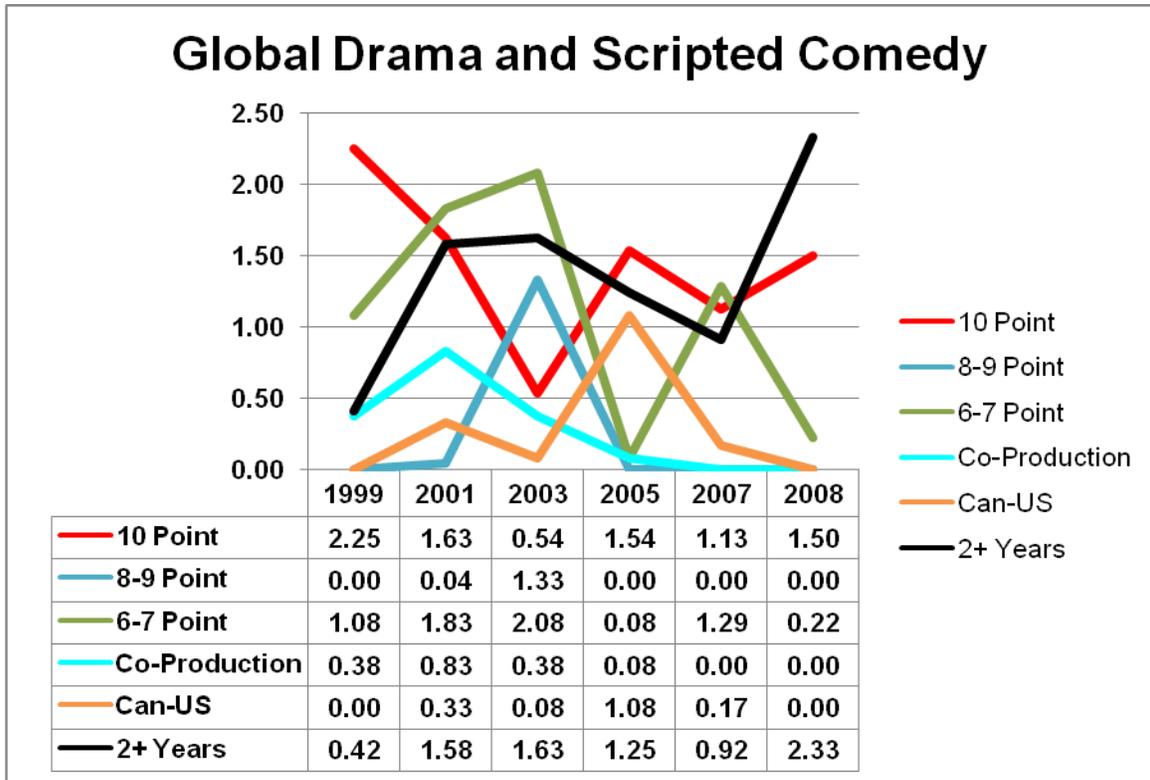




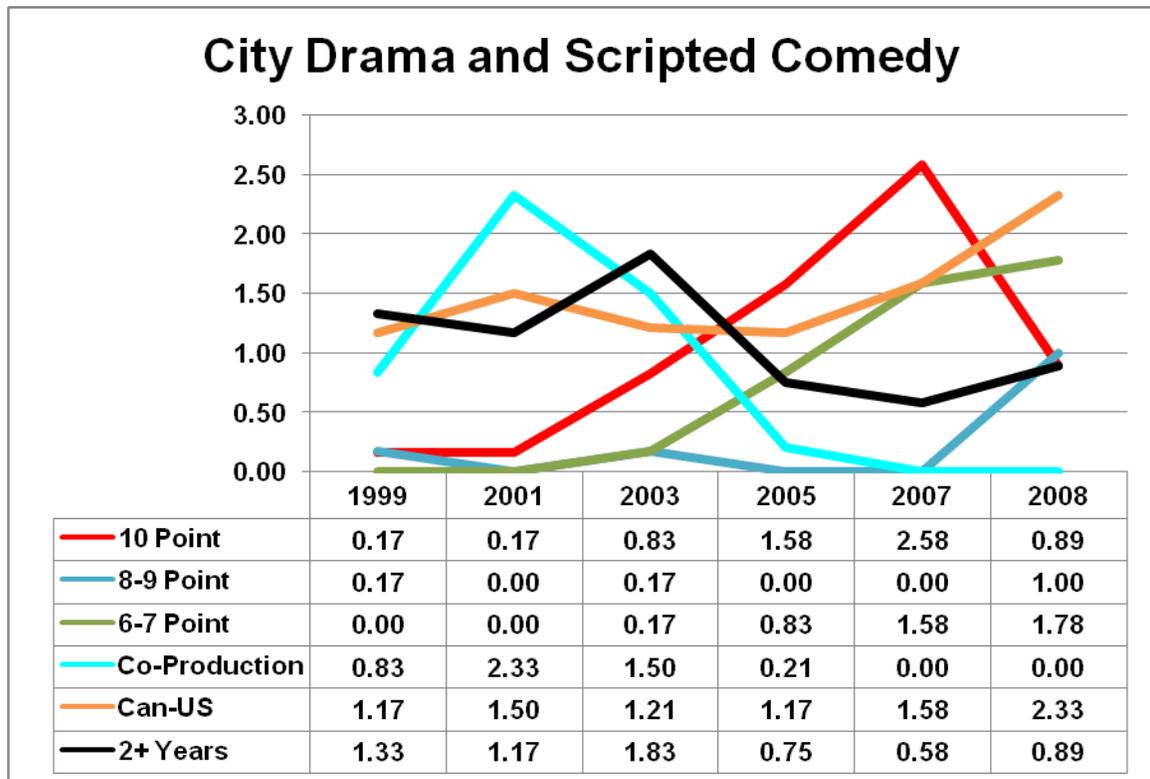
14-CTV Drama



15 – Global Drama

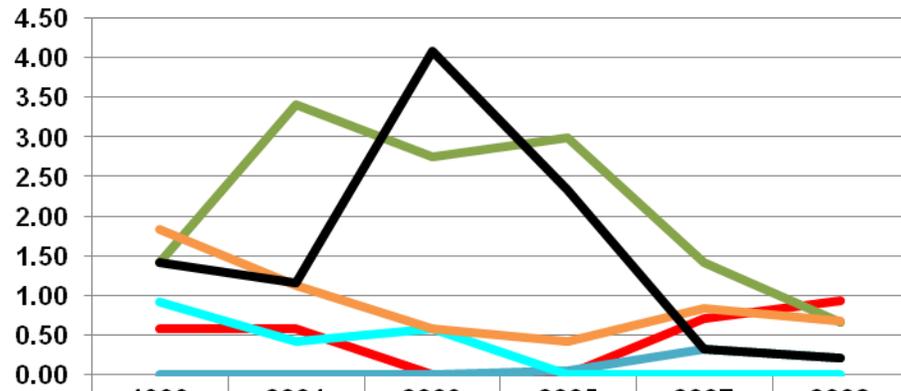


16-City Drama



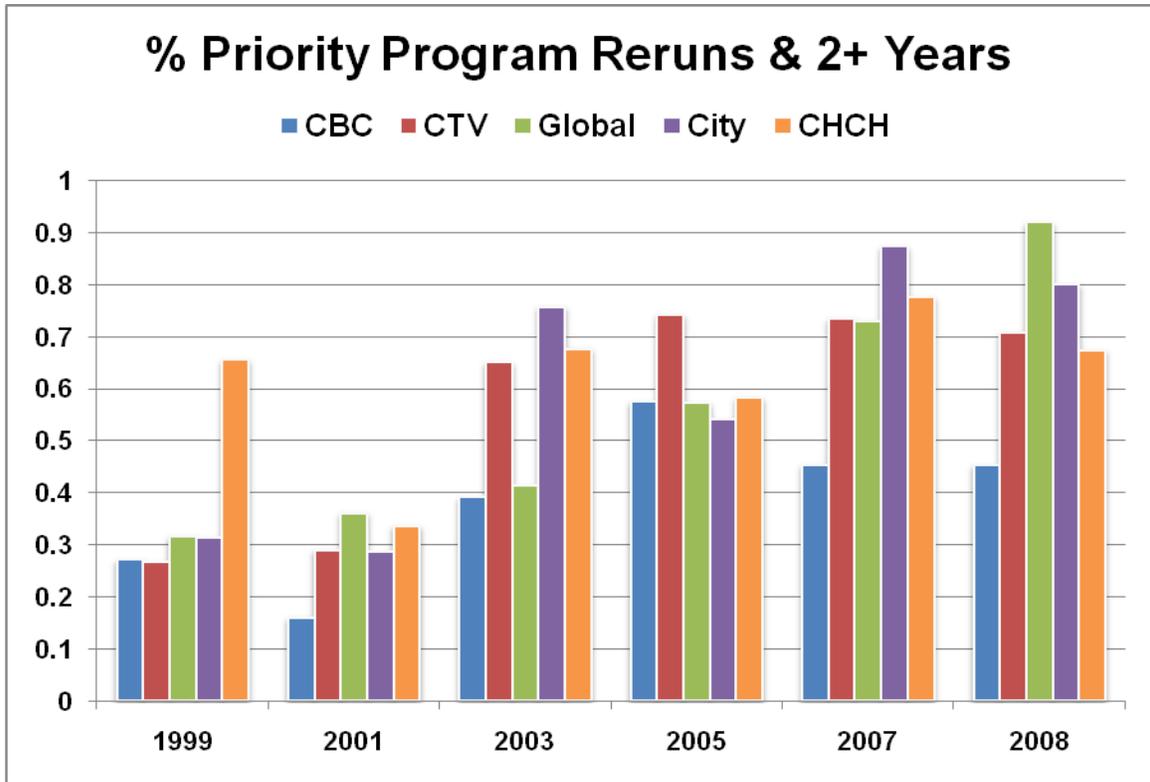
17-CHCH Drama

CHCH (E!) Drama and Scripted Comedy

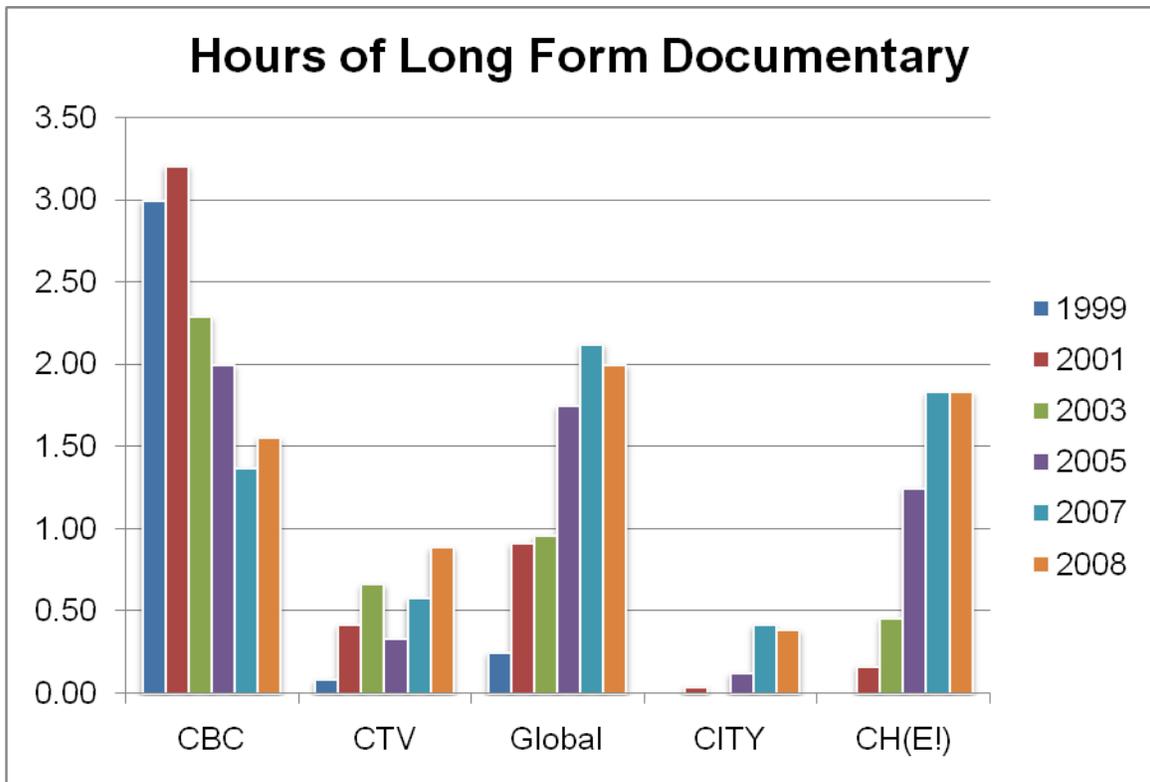


	1999	2001	2003	2005	2007	2008
10 Point	0.58	0.58	0.00	0.00	0.71	0.94
8-9 Point	0.00	0.00	0.00	0.04	0.33	0.22
6-7 Point	1.42	3.42	2.75	3.00	1.42	0.67
Co-Production	0.92	0.42	0.58	0.00	0.00	0.00
Can-US	1.83	1.13	0.58	0.42	0.83	0.67
2+ Years	1.42	1.17	4.08	2.33	0.33	0.22

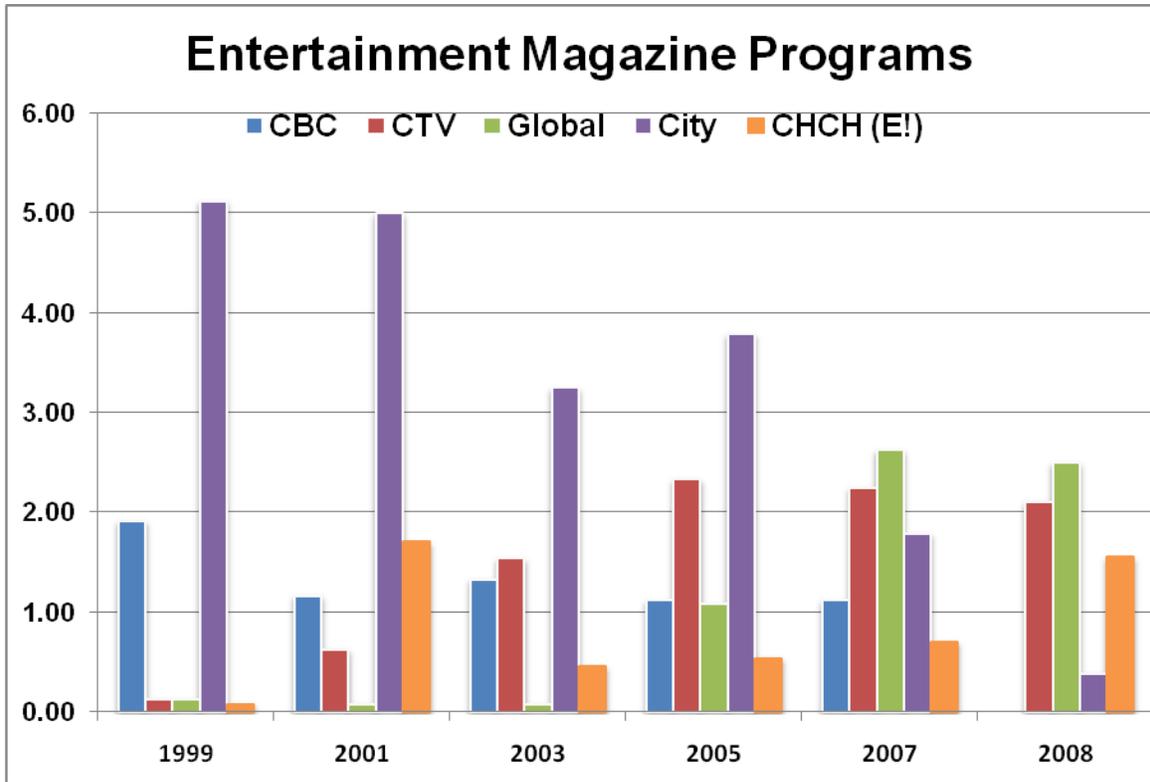
19-Reruns2+



20-2B



21-11A



Average Priority Programming Hours By Day of Week

