



July 31, 2015

Filed Electronically

Mr. John Traversy
Secretary General
Canadian Radio-television and
Telecommunications Commission
Ottawa, Ontario
K1A 0N2

Dear Mr. Traversy:

**Re: Part 1 Applications – Amendments to nature of service – Bell Media Inc.
Book Television – Application 2015-0611-4
Fashion Television – Application 2015-0626-3
MTV2 – Application 2015-0630-5**

1. The Writers Guild of Canada (WGC) is the national association representing more than 2,200 professional screenwriters working in English-language film, television, radio, and digital media production in Canada. The WGC is actively involved in advocating for a strong and vibrant Canadian broadcasting system containing high-quality Canadian programming. While the WGC's mandate is to represent our members, in advocating a strong Canadian broadcasting system that offers Canadians a variety of programming, we also play a role in balancing competing interests in the broadcasting system.
2. In the above-noted applications, Bell Media Inc. (Bell) requests to delete the following condition of licence (COL) for Book Television, Fashion Television, and MTV2:

No less than 25% of all Canadian programs broadcast by the licensee, other than news, sports and current affairs programming (categories 1, 2(a), 6(a) and 6(b)), shall be produced by independent production companies.
3. The WGC opposes this request.

Independent production serves the objectives of the *Broadcasting Act*

4. As the Commission is aware, the *Broadcasting Act* states that “the programming provided by the Canadian broadcasting system should...include a significant contribution from the Canadian independent production sector.”¹ The policy rationale for supporting independent production is traditionally viewed as being to support a diversity of voices and expression², and the WGC concurs with that assessment. We continue to believe that a diversity of voices in the system is enhanced by policies that support independent production.

¹ *Broadcasting Act*, s. 3(1)(i)(v)

² See *Blockbusters and Trade Wars: Popular Culture in a Globalized World*, Peter S. Grant and Chris Wood (2004), pg. 275-281

Independent production is unrelated to genre exclusivity

5. The COL with respect to independent production is unrelated to genre exclusivity, and therefore there is no policy basis upon which to delete this COL at this time. The genre exclusivity policy was eliminated following the Let's Talk TV proceeding, in particular in Broadcasting Regulatory Policy CRTC 2015-86³ (the Policy), released March 12, 2015. Nowhere in the Policy, nor anywhere in the consultation process leading up to that decision, did the Commission link genre exclusivity with independent production. The Commission made no such link, we are aware of no other parties who made that link (prior to these applications), and we submit that there is none. Genre exclusivity deals with what a program or a programming service is about. As the Commission stated in the Policy, this refers to "programming of a specific type from specific program categories or relating to certain subjects."⁴ Independent production rules are fundamentally about the nature of the entity that produces that programming. They are unrelated concepts.
6. This fact seems frankly quite plain to us, so we are puzzled as to why Bell has applied to delete an independent production COL in the guise of being "consistent with [Broadcasting Regulatory Policy] 2015-86, paragraphs 254-255".⁵ Perhaps Bell has inferred that the logic of the elimination of the genre exclusivity policy specifically, or the totality of the Commission's decisions arising from the Let's Talk TV proceedings generally, imply that all discretionary services are or should be treated essentially the same from a regulatory perspective.
7. If so, we would make two points in response. Firstly, the Commission clearly intended the opposite, stating in the Policy that, "As is currently the case, the Commission will have the option of imposing individual conditions of licence on particular services."⁶ Even if we are to see more competition between services, it does not follow that all services are necessarily the same. Secondly, if wider-ranging regulatory parity is contemplated, we submit that now is not the appropriate time to implement it. The Commission was clear that while elimination of the genre exclusivity policy is effective immediately, other key changes would be considered and implemented at licence renewal in 2017.⁷ We submit that it is far more appropriate to assess such changes then, when all the issues can be properly contemplated by the Commission and addressed by Canadians at a public hearing, rather than piecemeal via Part I applications in which Bell essentially makes its arguments about independent production in a reply phrase where interveners have no opportunity to challenge those statements.
8. For these reasons, the WGC opposes the aspect of Bell's applications to eliminate the COL with respect to independent production.

Yours very truly,



Maureen Parker
Executive Director

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³ Paras 232-256

⁴ Para. 232

⁵ Appendices, Bell Supplementary Brief

⁶ Para. 309

⁷ For example, see Broadcasting Regulatory Policy 2015-86, paras 300-310